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Treaty Series No. 40 (1930)

Treaty of Commerce and Navigation

between

HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM
AND THE PRESIDENT OF THE
REPUBLIC OF TURKEY

Angora, March 1, 1930

[Ratifications exchanged at Angora, September 3, 1930]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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Treaty of Commerce and Navigation between His Majesty in respect of the United Kingdom and the President of the Republic of Turkey.

Angora, March 1, 1930.

[Ratifications exchanged at Angora, September 3, 1930.]

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Excellency the President of the Republic of Turkey,

Desiring to facilitate the development of the trade and commerce of their respective countries and to regulate by means of a treaty the commercial relations between the United Kingdom of Great Britain and Northern Ireland and such other territories under the sovereignty, protection or authority of His Britannic Majesty as he may desire should be bound by the treaty on the one side, and Turkey on the other side,

Have resolved to conclude a treaty for this purpose and have appointed as their plenipotentiaries :

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For the United Kingdom of Great Britain and Northern Ireland :

The Right Honourable Sir George Russell Clerk, G.C.M.G., C.B., His Majesty's Ambassador Extraordinary and Plenipotentiary in Turkey;

TÜRKİYE Cümhuriyeti Reisi Hazretleri, ve Haşmetli Büyük Britanya, İrlanda ve denizlerin ötesindeki Britanya ülkeleri Kralı, Hindistan İmparatoru Hazretleri,

Mütakabil memleketleri ticaretinin inkişafını tergipt etmek, ve, bir muahedename vasıtasıyla bir taraftan Türkiye, diğer taraftan Büyük Britanya ve Şimalî İrlanda Müttahit Krallığı ile Haşmetli Britanya Kralı Hazretlerinin hakimiyeti, himayesi veya hükmü altında bulunup müşarünileyh Hazretlerinin Muahedenin ahkâmına tabi kılmak isteyeceği herhangi diğer ülkeler arasındaki ticarî münasebetleri tanzim eylemek arzusunda olduklarından, bu hususu temin için bir Muahede aktına karar vermişler ve, murahasları olmak üzere,

Türkiye Cümhuriyeti Reisi Hazretleri :

Esbak Vekil, Büyük Elçi, Diyarbekir mebusu Zekâi :

Burdur mebusu Mustafa Şeref; ve Hariciye Müsteşarı Menemenli Numan Beyfendi Hazretlerini;



His Excellency the President of the Republic of Turkey :

His Excellency Zekâi Bey, a former Minister and Ambassador, Deputy for Diyarbekir,

His Excellency Mustafa Şeref Bey, Deputy for Burdur,

His Excellency Menemenli Numan Bey, Under-Secretary of State at the Ministry for Foreign Affairs.

Who having communicated their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The territories to which the present Treaty applies are, on the part of His Britannic Majesty, the United Kingdom of Great Britain and Northern Ireland and the territories in respect of which notification of accession is given under Article 38 or notice of application is given under Article 37.

ARTICLE 2.

The expression "companies of the High Contracting Parties" shall, for the purposes of this Treaty, be interpreted in the case of either High Contracting Party as relating to the limited liability and other companies and associations (partnerships) formed for the purpose of commerce, finance, industry, transport or any other business, and carrying on business in the territories of that party, provided that they have been duly constituted in accordance with the laws in force

Haşmetli Büyük Britanya, İrlanda ve denizlerin ötesindeki Britanya ülkeleri Kralı ve Hindistan İmparatoru Hazretleri ;

Büyük Britanya ve Şimali İrlanda Müttahit Krallığı için : Haşmetli Kral Hazretlerinin Türkiye'de Fevkalâde Büyük Elçi ve Murahhası Right Honourable Sir George Russell Clerk, G.C.M.G., C.B., 1 tayin etmişlerdir.

Müşarünileyhler, usuluna muvafık ve muteber görülen salâhiyetnamelerini yekdiğerine tebliğ ettikten sonra atideki ahkâmı kararlaştırmışlardır.

MADDE 1.

Bu Muahedenamenin tatbik olunacağı ülkeler, Haşmetli Britanya Kralı Hazretleri canibinde, Büyük Britanya ve Şimali İrlanda Müttahit Krallığı ile, 38 inci maddeye tevfiakan, Muahedeye iltihakları, veya 37 inci maddeye tevfiakan, Muahedenin kendilerine tatbiki, hakkında ihbar vaki olacak olanlardır.

MADDE 2.

"Yüksek Âkit Tarafların şirketleri" tabiri, bu Muahedenameye müteallik hususatta Yüksek Âkit Taraflardan her biri için kendi ülkelerinde faaliyette bulunan anonim ve sair şirketler ile ticarî, malî, sınaî hususlara ve nakliyata müteallik olarak, veya herhangi nevi diğer ticarî ve iktisadî maksatlarla vucude getirilmiş teşekküllere (ortaklık) şamil olacak tarzda tefsir edilecektir; şu kadar ki mezkûr şirket ve teşekküllerin (ortaklık) o ülkelerde meri kanunlara

therein, and that they do not pursue any illegitimate end.

ARTICLE 3.

All vessels which, according to British law, are deemed to be British vessels, and all vessels which, according to Turkish law, are deemed to be Turkish vessels, shall, for the purposes of this Treaty, be deemed British or Turkish vessels respectively.

ARTICLE 4.

There shall be between the territories of the High Contracting Parties reciprocal freedom of commerce and navigation.

The subjects or citizens of each of the High Contracting Parties shall, subject to compliance with the laws and regulations of the country have free access, with their ships and cargoes, to all places and ports in the territories of the other to which subjects or citizens of that High Contracting Party have, or may have, free access, except for such areas as may, on grounds of security or of a strategic nature, be closed to all foreigners irrespective of nationality.

They shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are, or may be, enjoyed by subjects or citizens of the other High Contracting Party.

ARTICLE 5.

The subjects or citizens of either of the High Contracting

tevfikan usulu dairesinde teşkil edilmiş bulunmaları ve gayrimeşru bir maksat takip etmemeleri meşruttur.

MADDE 3.

Türk kanununun türk gemisi addettiği bütün gemiler ve Britanya kanununun Britanya gemisi addettiği bütün gemiler, bu Muahedenameye müteallik hususatta, müteakiben Türk veya Britanya gemisi addedilecektir.

MADDE 4.

Yüksek Âkit Tarafların ülkeleri arasında ticaret ve seyrisefain müteakiben serbest olacaktır.

Yüksek Âkit Taraflardan her birinin vatandaş veya tebaaları, gemileri ve hamuleleriyle, diğer Yüksek Âkit Tarafın ülkelerinde —emniyete müteallik veya sevkülceyşi esbap dolayısıyla milliyet farkı gözetilmeksizin bütün ecnebilere memnu bulunabilecek olan mıntıklar müstesna olmak üzere—bu Tarafın vatandaş veya tebaalarına açık veya açılacak olan herhangi bir mahal ve limana, memleketin kanun ve nizamlarına uyararak, serbestçe girmek hakkına malik olacaklardır.

Mezkûr vatandaş veya tebaalar, ticaret ve seyrisefain hususlarında, diğer Yüksek Âkit Tarafın vatandaş veya tebaalarının müstefit oldukları veya olacakları aynı hak, imtiyaz, serbesti, müsaade, muafiyet ve istisnalardan istifade edeceklerdir.

MADDE 5.

Yüksek Âkit Taraflardan birinin vatandaş veya tebaaları,

Parties shall be entitled to enter, travel, and reside in the territories of the other so long as they satisfy and observe the laws, regulations and decrees applicable to the entry, travelling and residence of all foreigners.

It is nevertheless understood that the terms of this Treaty shall not affect either the right of each High Contracting Party freely to permit or to prohibit immigration into his territories, or the regulations which are, or may be, in force as concerns passports.

Each of the High Contracting Parties reserves the right to prohibit individual subjects or citizens of the other, either under the judgment of a court, or in pursuance of the laws and regulations relating to public morality, public health or pauperism, or for reasons affecting the internal or external safety of the State, from settling or dwelling within his territories, or to expel them on the same grounds.

ARTICLE 6.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall enjoy, in respect of the legal and judicial protection of their property, rights and interests, the same treatment as national subjects or citizens.

ARTICLE 7.

The subjects or citizens of either of the High Contracting Parties may, provided they conform to the laws in force in the

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alelumum ecebilerin kabul, seyrüsefer ve ikametlerine dair olan kavanin, nizamata ve mukarrerata riayet etmek şartile, diğerinin ülkelerine girmek, orada seyrüsefer ve ikamet etmek hakkına malik olacaklardır.

Mamafih, şurası mukarrerdir ki bu Muahedename ahkâmı, ne Yüksek Âkit Taraflardan her birinin kendi memleketine muhacereti serbestçe terviç veya menetmek hususlarındaki hakkını, ne de pasaport hususunda meri veya meriyete konulacak olan nizamları haleldar etmiyecektir.

Yüksek Âkit Taraflardan her biri, ya bir mahkeme kararı üzerine, ya ahlâkî ve sıhî zabıta veya dilencilik hakkındaki kanun ve nizamlara tevfiakan, veyahut devletin dahilî veya hariçî emniyetine müteallik esbaptan dolayı, diğer Tarafın vatandaş veya tebaalarından olan şahısların kendi ülkelerinde yerleşmelerini veya oturmalarını menetmek, ve bu sebepler dolayısıyla onları ülkelerinden ihraç eylemek hakkını muhafaza eder.

MADDE 6.

Yüksek Âkit Taraflardan her birinin vatandaş veya tebaaları, diğer Tarafın ülkelerinde, mal, hak ve menfaatlarının kanunî ve adlî himayesi hususlarında, aynile mahallî vatandaş veya tebaanın mazhar oldukları muameleden müstefit olacaklardır.

MADDE 7.

Yüksek Âkit Taraflardan birinin vatandaş veya tebaaları, diğer Tarafın ülkelerinde meri kanunlara uymak şartile, o ülke-

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territories of the other, carry on their commerce in those territories either in person or by any agents whom they think fit to employ.

The High Contracting Parties agree that in all matters relating to commerce, navigation and industry, the carrying on of any description of business, and the exercise of professions or occupations, any privilege, favour or immunity which either of the High Contracting Parties has actually granted, or may hereafter grant, to the ships and subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention to secure to each other reciprocally the footing of the most favoured foreign country in this respect.

ARTICLE 8.

The High Contracting Parties may, under their laws and regulations, reserve to their own subjects or citizens itinerant trades, pedlary and such other trades and professions as they may think fit.

ARTICLE 9.

Provided they conform to the local laws and regulations, the subjects or citizens of each of the High Contracting Parties in the territories of the other shall enjoy, in respect of their persons, their property, rights and interests, and in respect of their commerce, industry, profession, occupation, trade or any other matter, in every way the same

lerde ticaretlerini ya bizzat, veya istihdamlarını münasip görecekleri adamlar vasıtasıyla, yapabileceklerdir.

Ticaret, seyrisefain ve sanata, meslek ve hırfetler icrasına veya herhangi neviden bir iştigale müteallik olan bilcümle hususlarda Yüksek Âkit Taraflardan birinin başka bir ecebî memleketin gemilerine, vatandaş veya tebaalarına bahşetmiş olduğu veya ileride bahşedeceği bütün imtiyaz, müsaade ve muafiyetlerin aynı zamanda ve talebe hacet kalmaksızın, şartsız ve tavizsiz olarak, diğer Tarafın gemilerine, vatandaş veya tebaalarına teşmil edileceğini Yüksek Âkit Taraflar kararlaştırmışlardır; iki Tarafın bu husustaki fikri yekdiğere müteakabilen en ziyade müsaadeye mazhar ecebî memleketele müsavat temin etmektir.

MADDE 8.

Yüksek Âkit Taraflar, kanunlar ve nizamnamelerle, seyyar sanayii, ayak satıcılığını ve münasip göreceklere diğer hırfet ve meslekleri kendi vatandaş ve tebaalarına hasredebileceklerdir.

MADDE 9.

Memleketin kanunlarına ve nizamlarına uymak şartile, Yüksek Âkit Taraflardan her birinin vatandaş veya tebaaları, diğerinin ülkelerinde, şahıs, mal, hak ve menfaatları, ticaret, sanat, meslek, istigal veya hırfetleri veya herhangi diğer bir keyfiyetin icrası itibarile alınacak vergiler, mükellefiyetler, gümrük resimleri, harçlar, vergilere

treatment and legal protection as the subjects or citizens of that Party, in so far as taxes, exactions, customs duties, imposts, fees which are substantially taxes and other similar charges are concerned.

The terms of this Treaty shall not prevent the collection, if required, of fees in connection with the entry, travelling and residence of foreigners generally, as well as with the formalities attendant on their registration. In this respect the treatment of the most favoured foreign country shall be applied.

ARTICLE 10.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other High Contracting Party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are, or shall be, established with regard to subjects or citizens of the other High Contracting Party.

They shall not be subjected in any of the cases mentioned in the foregoing paragraph to any taxes, imposts or charges of whatever denomination other or higher than those which are, or shall be, applicable to the subjects or citizens of the other High Contracting Party.

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muadil aidat ve sair mümasil tekâlif hususlarında o Tarafın vatandaş, veya tebaalarının nail oldukları muamele ve kanunî himayenin ayırından her vechile müstefit olacaklardır.

Bu Muahedename ahkâmı, icabı takdirinde, alelumum ecne-bilerin kabul, seyahat ve ikame-tine ve tescilleri muamelâtına ait resimlerin istifasına mani teşkil etmez. Bu husus en ziyade müsaadeye mazhar ecnebi memleket muamelesiyle tanzim edilecektir.

MADDE 10.

Yüksek Âkit Tarafardan her birinin vatandaş veya tebaaları, diğer Tarafın ülkelerinde, bu Yüksek Âkit Tarafın kanun-larile ihrazı ve tasarrufu herhangi bir ecnebi memleketin vatandaş veya tebaalarına müsaade edilmiş veya edilecek olan her nevi menkul ve gayri-menkul malları ihraz ve tasarruf etmek hususlarında tam bir serbestiye malik olacaklardır. Bunlar, aynıle diğer Yüksek Âkit Tarafın vatandaş veya tebaalarının tabi bulundukları veya bulundurulacakları şerait dahilinde, o malları satma, deęiştirme, baęıřlama, evlenme, vasiyet suretile veya herhangi diğer bir tarzda elden çıkarabilecekler, veya o malları tevarüs tarikile ihraz edebileceklerdir.

Bunlar, yukarıki fıkrada sayılı ahvalın hiç birinde diğer Yüksek Âkit Tarafın vatandaş veya tebaalarına tatbik edilen veya edilecek olan, herhangi neviden olursa olsun, vergi, resim veya mükellefiyetlerden başkalarına veya daha ağırlarına tabi bulundurulamayacaklardır.

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They shall also be permitted, subject to compliance with the laws and regulations of the country, freely to export their property and their goods in general and shall not be subjected in this respect to any other restrictions or to any other or higher duties than those to which the subjects or citizens of the other High Contracting Party would be liable in similar circumstances.

ARTICLE 11.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall have free access to the courts of justice for the prosecution and defence of their rights without other conditions, restrictions or taxes beyond those imposed on national subjects or citizens, and shall, like them, be at liberty to choose, in all causes, their advocates, attorneys or agents from among the persons admitted to those professions according to the laws of the territories in question.

The procedure as regards the *cautio judicatum solvi* and free legal assistance will be determined by local legislation pending the settlement of these questions by a special convention to be concluded between the two Parties.

ARTICLE 12.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall be exempted, both in time of peace and in time of war, from all compulsory military service,

Bunlara, memleketin kanunlarına ve nizamlarına uyarak, mallarını ve alelumum eşyalarını serbestçe ihraç etmek mezuyniyeti de verilecektir. Bunlar, bu hususta, diğer Yüksek Âkit Tarafın vatandaş veya tebaalarının aynı ahvalda tabi buluncakları takyitlerden veya vergilerden başka veya daha ağır hiç bir takyide veya vergiye tâbi tutulmıyacaklardır.

MADDE 11.

Yüksek Âkit Taraflardan birinin vatandaş veya tebaaları, diğer Tarafın ülkelerinde, mahallî vatandaş veya tebaalarına tahmil edilmiş olan şartlar, takyitler ve harçlardan başkalarına tabi olmamak üzere, haklarını takip ve müdafaa etmek için serbestçe mahkemelere müracaat etmek ve bu mahallî vatandaş veya tebaalar gibi, bütün davalarda, avukatlarını, avuvelerini, ajanlarını mevzuubahs ülkelerin kanunları mucibince bu mesleklerle kabul edilmiş kimseler arasından serbestçe intihap eylemek hakkına malik olacaklardır.

Muhakeme masrafını müemin kefalet akçesine ve meccanî adli muzaharete müteallik usul—bu meseleler iki Memleket arasında hususî bir Mukavele-name ile halledilinceye kadar—mahallî kanunlara tâbi olacaktır.

MADDE 12.

Yüksek Âkit Taraflardan her birinin vatandaş veya tebaaları diğer Taraf ülkelerinde sulh zamanında olduğu gibi harp zamanında da, hem orduda, bahriyede ve hava kuvvetlerinde,

whether in the army, navy or air force, or in the national guard or militia, and, subject to the specific exceptions laid down in the laws pertaining thereto, from the exercise of all judicial, administrative and municipal functions whatever. They shall also be exempted from all contributions, whether in money or in kind, imposed as an equivalent for such service or for the performance of such functions.

The subjects or citizens and companies of one of the High Contracting Parties shall in no case be liable in the territories of the other to any military or civil requisitions other than such as may be levied on the subjects or citizens or companies of the other High Contracting Party. In matters relating to procedure and to indemnification for such requisitions they will be amenable to the legislation of the country, on the same footing as national subjects, citizens, or companies.

ARTICLE 13.

The Companies of either of the High Contracting Parties shall be entitled to carry on in the territories of the other High Contracting Party, subject to compliance with the laws and regulations of the country, whether through the establishment of branches or otherwise, any description of business permitted by law, which the companies or business associations (partnerships) of any other foreign country are, or may be, permitted to carry on.

They shall be entitled to appear in the courts either as plaintiffs or defendants, subject to the laws of the other Party. In matters relating to the legal

hem de millî muhafız ve milis kıtaatında herhangi mecburî bir askerî hizmet ve, mahsusi kanunlarının kaydettiği musarrah istisnalar mahfuz kalmak şartile, herhangi adlî, idarî ve beledî bir memuriyet ifasından muaf olacaklardır. Bunlar, böyle bir hizmete veya memuriyetin ifasına muadil olmak üzere vazedilecek herhangi, nakdî veya aynî, tekâliften de müstesna olacaklardır.

Yüksek Âkit Taraflardan birinin vatandaş veya tebaaları ve şirketleri diğer Yüksek Âkit Tarafın vatandaş veya tebaalarına ve şirketlerine tahmil edilebilecek olan askerî ve mülkî istinvallerden başkasına diğer Taraf ülkelerinde hiç bir vechile tabi kılınmayacaklardır. Bunlar, mezkûr istinvallerin tatbiki usulüne ve tazminine ait hususlarda aynile mahallî vatandaş veya tebaa ve şirketler gibi mahallî kanunların hükmüne tâbi bulunacaklardır.

MADDE 13.

Yüksek Âkit Taraflardan her birinin şirketleri, diğer Tarafın ülkelerinde, memleketin kanun ve nizamlarına uyarak, gerek şubeler tesis etmek suretile, gerek herhangi diğer bir tarzda, herhangi diğer bir ecnebi memleketin iktisadî ve ticarî mahiyette şirket veya teşekkülleri (ortaklık) tarafından yapılması meşru tanınmış ve tanınacak olan kanunun müsaade ettiği her türlü faaliyette bulunabileceklerdir.

Bu şirketler, diğer Taraf kanununun ahkâmı dairesinde gerek müddei gerek müddeaa-leyh olarak dava ikame ve defetmek hakkına malik olacak-

and judicial protection of their property, rights and interests they shall enjoy the same treatment as national companies.

The companies of either High Contracting Party, and their branches or agencies, shall enjoy in the territories of the other, so far as concerns taxes, exactions, customs duties, imposts, fees which are substantially taxes, and other similar charges, the same treatment as that accorded to the companies of the other High Contracting Party. It is nevertheless understood that they will be required to pay the fees relating to the issue of permits to foreign companies and to their registration, and to deposit the security required by law; in these matters the treatment of the most favoured foreign country shall be applied.

The mutual grant of national treatment shall not be held to justify a claim to the benefit of such exemptions from taxation as may be granted to undertakings established by the State, or to concessionnaires of a public utility service.

Each of the High Contracting Parties shall comply with the following principles so far as concerns the taxation of branches or agencies in his territories of business undertakings belonging to, and managed and controlled by, subjects or citizens of the other High Contracting Party resident outside the territories of the former Party:—

(i) Taxation levied on capital shall be calculated only on the capital actually employed within those territories;

lardır. Bunlar mal, hak ve menfaatlarının kanunî ve adlî himayesi hususlarında millî şirketlerin mazhar olduğu muamelelerin aynından istifade edeceklerdir.

Yüksek Âkit Taraflardan her birinin şirketleri ve bunların şube veya ajentalıkları diğer Tarafın ülkelerinde, vergiler, mükellefiyetler, gümrük resimleri, harçlar, vergilere muadil aidat ve sair mümasil tekâlif hususlarında bu Yüksek Âkit Tarafın şirketlerinin mazhar olduğu muamelelerin aynından müstefit olacaklardır. Maahaza, şurası mukarrerdir ki bunlar, ecnebi şirketlerinin ruhsatname ve tescil varakaları istihsaline ait harçları tesviye ve kanunen muayyen kefalet akçelerini deponize etmekle mükelleftirler ki bu hususları en ziyadé müsaa-deye mazhar ecnebi memleket muamelesi tanzim eder.

Yekdiğere müteakiben bahşolunan millî muamele, Devlet tarafından kurulmuş müesseselere veya umumî bir hizmetin imtiyazına sahip olanlara bahşedilebilecek vergi muafiyetini mutalebe için dermeyan edilemeyecektir.

Yüksek Âkit Taraflardan her biri, kendi ülkeleri haricinde mukim diğer Yüksek Âkit Taraf vatandaşı veya tebaalarının tasaruf, idare ve murakaba ettikleri işlerin kendi ülkelerindeki şube veya ajentalıklarına vergi tarhi hususunda aşağıdaki prensiplere riayet edecektir:

(i) Sermaye üzerinden cibayet edilecek her vergi ancak bu ülkelerde hakikaten mevzu sermaye üzerinden hesap edilecektir.

(ii) Taxation levied on profits or revenues shall be calculated only on the profits or revenues accruing from the business operations conducted or controlled within those territories;

(iii) Taxation levied on the volume of business done shall be calculated only on the business carried on or controlled within those territories.

Furthermore, the companies of either High Contracting Party may, subject to reciprocity and to compliance with the laws of the country, acquire in the territories of the other Party, under such restrictions as may be provided by the local legislation, any kind of movable property. The same shall apply to the acquisition of immovable property necessary for the business of the company, provided that in this case such acquisition is not the actual object of the company.

In all other matters relating to companies, which are not covered by the present Article, the treatment of the most favoured foreign country shall be applied.

ARTICLE 14.

Articles produced or manufactured in the territories of one of the High Contracting Parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

ARTICLE 15.

Articles produced or manufactured in the territories of either

(ii) Kazanç veya irat üzerinden cibayet edilecek her vergi ancak bu ülkelerde yapılmış veya mürakabe edilmiş muamelelerden mutahassıl kazanç veya irat üzerinden hesap edilecektir.

(iii) Muamele miktarı üzerinden cibayet edilecek her vergi ancak bu ülkelerde yapılmış veya mürakabe edilmiş muameleler üzerinden hesap edilecektir.

Bundan başka, Yüksek Âkit Taraflardan her birinin şirketleri, diğer Tarafın ülkelerinde, memleketin kanunlarında muayyen takyitler mahfuz kalmak üzere, her nevi menkul malları, müteakabiliyet şartile ve memleketin kanunlarına uyarak, ihraz edebileceklerdir. Aynile bu hükümler, şirketin işliyebilmesi için lüzumu olan gayrimenkul malları iktisap için de tatbik olunacak, şu kadarki bu takdirde gayrimenkul iktisabı şirketin asıl gayesini teşkil etmeyecektir.

Şirketlere müteallik olup bu maddede tayin edilmemiş olan sair bütün hususları en ziyade müsaadeye mazhar ecnebi memleket muamelesi tanzim edecektir.

MADDE 14.

Yüksek Âkit Taraflardan birinin ülkelerinde müstahsal veya mamul olup diğerinin ülkelerine ithal olunan mevat, son mevritleri ne olursa olsun, herhangi diğer bir ecnebi memleketin—müstahsal veya mamul—mümasil mevaddının tâbi bulunduğu resim veya mükellefiyetlerde başkalarına veya daha ağırlarına tâbi tutulmayacaktır.

MADDE 15.

Yüksek Âkit Taraflardan birinin ülkelerinde müstahsal veya

of the High Contracting Parties, exported to the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country.

ARTICLE 16.

No prohibition or restriction shall be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

No prohibition or restriction shall be maintained or imposed on the exportation of any article from the territories of either of the High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

Exceptions to the general rule laid down in the preceding paragraphs of this Article may only be made in the following cases, it being always understood that the prohibitions or restrictions in question shall be extended at the same time and in the same manner to other foreign countries where the same conditions prevail :—

(1) prohibitions or restrictions imposed in the interests of public security;

(2) prohibitions or restrictions regarding traffic in arms, ammunition and implements of war, or, exceptionally, all other military supplies;

mamul olup diğerinin ülkelerine ihraç edilen mevat, herhangi diğer ecnebi memlekete ihraç edilen mümasil mevaddın tâbi bulunduğu resim veya mükellefiyetlerden başkalarına veya daha ağırlarına tâbi tutulmayacaktır.

MADDE 16.

Yüksek Âkit Taraflardan birinin ülkelerine, son mevridi neresi olursa olsun, diğer Tarafın ülkeleri müstahsalat veya mamulâtından herhangi bir maddenin ithalına, diğer herhangi bir ecnebi memlekette müstahsal veya mamul mümasil mevaddın ithaline de teşmil olunmadıkça, hiç bir memnuiyet veya takyit vaz veya ipka edilemeyecektir.

Yüksek Âkit Taraflardan birinin ülkelerinden diğerinin ülkelerine herhangi bir maddenin ihracına, diğer herhangi bir ecnebi memlekete gönderilecek mümasil mevaddın ihracına da teşmil olunmadıkça, hiç bir memnuiyet veya takyit vaz veya ipka edilmeyecektir.

Bu maddenin sebkeden fıkralarında mevzu umumî kaideye ancak aşağıda zikredilen ahvalda ve mevzuubahs memnuiyet ve takyitlerin aynı şerait içinde bulunan diğer ecnebi memleketlere de, aynı zamanda ve aynı tarzda, teşmili şartile istisna kabul edilecektir :—

(i) Âmmenin emniyeti dolayısıyla vazedilen memnuiyet veya takyitler;

(ii) Silâh, mühimmat, harp alâtı, veya, fevkalâde olarak, diğer herhangi askerî levazım ticaretini istihdaf eden memnuiyet veya takyitler;

(3) prohibitions or restrictions imposed for the protection of public health;

(4) prohibitions or restrictions imposed for the protection of animals or plants, including protection against disease, degeneration or extinction, as well as measures taken against harmful seeds, plants and animals.

ARTICLE 17.

In so far as prohibitions or restrictions may be enforced on the importation or exportation of any goods, the High Contracting Parties undertake as regards import and export licences to do everything in their power to ensure—

(a) that the conditions to be fulfilled and the formalities to be observed in order to obtain such licences should be brought immediately in the clearest and most definite form to the notice of the public;

(b) that the method of issue of the certificates or licences should be as simple and stable as possible;

(c) that the examination of applications and the issue of licences to the applicants should be carried out with the least possible delay;

(d) that the system of issuing licences should be such as to prevent the traffic in licences. With this object, licences, when issued to individuals, should state the name of the holder and should not be capable of being used by any other person;

(e) that, in the event of the fixing of rations, the formalities required by the importing country should not be such as to prevent an equitable allocation of

(iii) Âmmenin sıhhati mülâhazasile vazedilen memnuiyet veya takyitler;

(iv) Hastalıktan, tereddiden, cinsin tükenmesinden vikaye şıkları dahil olmak üzere hayvanların ve nebatların himayesi için vazedilen memnuiyet veya takyitler ile muzir tohum, nebat ve hayvanlara karşı alınan tedbirler.

MADDE 17.

Herhangi emtianın ithal veya ihracına memnuiyet veya takyitler vazedilecek olursa, Yüksek Âkit Taraflar, ithal ve ihraç vesikaları hakkında atideki hususları temin etmek üzere ellerinden geleni yapmağı teahhüt ederler:—

(a) Bir vesika istihsal etmek için yerine getirilmesi içap eden şartlar ve ifası lâzım gelen resmî muameleler derhal en açık ve en vazih bir şekilde ilân edilmeli;

(b) Şehadetname veya vesikaların itası usulu mümkün olduğu kadar basit ve müstakir olmalı;

(c) Taleplerin tetkiki ve taliplere vesikaların itası aşğarı mühlette yapılmalı;

(d) Vesika itasında takip edilecek usul vesika ticaretine mani olacak mahiyette olmalı. Bunu temin için, eşhasa verilecek vesikalar sahibinin ismini zikretmeli ve diğer bir şahıs tarafından istimale salih olmalı;

(e) İthalât kontenjana rapt olunduğu takdirde, ithalci memleketin talep edeceği merasim, ithaline müsaade edilen emtia mıkdarının munsifane bir tarzda

the quantities of goods of which the importation is authorised.

The conditions under which licences are given for goods produced or manufactured in the territories of one of the High Contracting Parties imported into or exported to the territories of the other shall be as favourable as the conditions under which licences are given for the goods of any other foreign country.

ARTICLE 18.

The provisions of this Treaty do not apply to the trade in narcotics, which shall remain subject to the laws and regulations in force in the territories of the High Contracting Parties.

ARTICLE 19.

Internal duties levied within the territories of either of the High Contracting Parties for the benefit of the State, or local authorities or corporations on goods the produce or manufacture of the territories of the other Party shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin.

It is agreed that in cases where no similar goods are produced or manufactured in the territories of the first High Contracting Party the treatment of the most favoured foreign country shall be applied to the produce or manufactured articles in question.

ARTICLE 20.

The High Contracting Parties agree that the treatment of

tahsisine mani olacak mahiyette olmamalı.

Yüksek Âkit Taraflardan birinin ülkelerinde müstahsal veya mamul olup diğer Tarafın ülkelerine ithal veya ihraç edilecek olan emtia için verilecek vesikalar herhangi diğer bir ecnebi memleketin emtiasına vesika verilmesi şeraiti kadar müsait şerait altında ifa olacaktır.

MADDE 18.

Bu Muahedenin ahkâmı, Yüksek Âkit Taraflar ülkelerinde meri kanun ve nizamlara tabi kalmakta devam edecek olan uyuşturucu maddeler ticaretine tatbik olunmaz.

MADDE 19.

Yüksek Âkit Taraflardan birinin ülkelerinde, Devlet veya mahallî resmî makamlar veya mahallî teşekküller menfaatına, diğer Taraf ülkelerinin tabii veya mamul müstahsallarından istifa olunacak dahilî resimler, menşei millî olan mümasil emtiadan müşabih vaziyetlerde istifa olunan resimlerden başka veya daha ağır olmayacaktır.

Mümasilleri Yüksek Âkit Taraflardan birinin ülkelerinde istihsal veya imal olunmayan tabii veya mamul mevadda en ziyade müsaadeye mazhar ecnebi memleket muamelesinin tatbiki iki Tarafça mukarrerdir.

MADDE 20.

Yüksek Âkit Taraflar, bu Muahedenamenin devamı müdde-

commercial travellers' samples on their entry into their respective countries shall be governed for the duration of the present Treaty by the provisions of the Convention signed on the 15th January, 1929, regarding Commercial Travellers' Samples.

Any further facilities or privileges which have been or may be accorded by either Party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other Party.

ARTICLE 21.

The measures taken by the High Contracting Parties for regulating and forwarding traffic across their territories shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or vessels, coaching or goods stock, or other means of transport.

In order to ensure the application of the foregoing provisions, the High Contracting Parties will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit) except for such dues as are intended solely to

tince, ticarî numunelerin müte-kabil ülkelerine duhullerinde tabi tutulacağı muameleyi 15 Kanunusânî 1929da imza edilmiş olan seyyar ticaret memurlarının numuneleri hakkındaki mukavelenamenin tayin etmesini kabul ederler.

Taraflardan birinin seyyar ticaret memurlarına veya numunelere müteallik hususlarda herhangi bir ecnebi memlekete bundan maada bahşetmiş olduğu veya edebileceği diğer imtiyaz ve suhuletler hiç bir şartsız diğer Tarafa teşmil edilecektir.

MADDE 21.

Yüksek Âkit Tarafların, kendi ülkelerinden geçen emtianın naklini tanzim ve temin eylemek için alacakları tedbirler demir ve su yollarile beynelmilel transite müsait ve müstamel hatlar üzerinde serbest transiti teshil edecektir. Ne şahısların milliyeti, ne gemilerin sancağı, neşet, hareket, duhul, huruç veya azimet mahalleri dolayısıyla, ne de emtianın ve gemilerin, seyahalara veya emtiaya mahsus müteharrik malezemenin veya diğer nakliye vasıtalarının mülkiyetine müteallik herhangi bir keyfiyet mülâbesesile hiç bir fark tesis edilmeyecektir.

Yukarıdaki ahkâmın tatbikini temin için Yüksek Âkit Taraflar, müteamil kuyut ve şurut dabilinde, kendi kara sularından transite müsaade edeceklerdir.

Transit emtia, transitin istilzam ettiği nezaret, istatistik ve idare masraflarını korumak için istifa edilecek resimlerden başka, transitleri (duhul ve huruç dahil)

defray expenses of supervision, statistics and administration entailed by such transit.

The preceding dispositions in no way affect the customs laws concerning the treatment of transit goods, nor the regulations concerning goods which are the subject of an internal duty or of a State monopoly. The transit of such goods shall, however, not be restricted more than is necessary to secure the eventual collection of the internal duty on the goods remaining in the territories of either Party, to assure the object of the monopoly, or to take the precautions necessitated by the transit of goods whose importation or exportation is prohibited.

Neither High Contracting Party shall be bound by this Article to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation or exportation is prohibited in pursuance of the stipulations of the third paragraph of Article 16.

For the purposes of this Article, persons, baggage and goods, and also vessels, coaching and goods stock and other means of transport, shall be deemed to be in transit across the territories of one of the High Contracting Parties when the passage across such territories, with or without transhipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the Party across whose territories the transit takes place.

sebebiyle hiç bir hususî resme tabi olmayacaktır.

Balâdaki ahkâm ne transit emtianın tabi olacağı muamele hakkındaki gümrük kanunlarını, ne de dahili bir resme veya Devlet inhisarına tabi emtiaya müteallik nizamnameleri asla haleldar etmez. Maa-haza, bu emtianın transitini ancak, ya Taraplardan her birinin ülkelerinde kalacak emtiadan ledelicap dahili resim istifasını, ya inhisarın gayesini, veyahut ithal veya ihracı memnu emtia transitinin istilzam edeceği tedbirlerin alınmasını temin için lazımgelen takyitlere tâbi tutulabilecektir.

Yüksek Âkit Taraplardan hiç biri ne ülkelerine girmeleri memnu olan yolcuların ne de 16ncı maddenin üçüncü fıkrası mucibince ithal veya ihracı menedilmiş olan emtianın bu maddeye tevfiken transitini kabuletmek mecburiyetinde değildir.

Yüksek Âkit Taraplardan birinin ülkelerinden, aktarmalı aktarmasız, anbara konarak yahut konmaksızın, hamule ifraz olunarak yahut olunmayarak, nakil tarzı değiştirilerek yahut değiştirilmeksizin geçecek olan, ve mebdeî ve müntahası mezkûr ülkelerin hudutları haricinde kalmış tam bir seferin cüzünden ibaret bir seyrü seyahat halinde geçen insanlar, yolcu ağırlığı ve emtia, ve keza-lık gemiler, yolcu ve emtia nakline mahsus müteharrik malezeme ve sair nakliyat vasıtaları, işbu maddeye müteallik hususatda mezkûr Tarafın ülkelerinde transit halinde addedileceklerdir.

ARTICLE 22.

Each of the High Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers.

ARTICLE 23.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the High Contracting Parties, all privileges or facilities granted by either Party to national vessels shall be granted equally to vessels of the other Party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 24.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind the vessels of each of the High Contracting Parties shall enjoy in the ports of the territories of the other treatment equal to that accorded to national vessels.

MADDE 22.

Yüksek Âkit Taraflardan her biri, diğer Tarafın gemileri vasıtasıyla, ithal veya ihracı kanunen caiz olan her nevi emtiyanın ithal veya ihracına, ve mütekabil ülkelerini terkededen veya oralara giden yolcuların nakline müsaade edecektir. Bu gemilerle hamule ve yolcuları aynıle millî gemilerle hamule ve yolcularının imtiyazlarından müstefit olacaklar, ve bunların tabi oldukları resim ve mükellefiyetlerden başkalarına veya daha ağırlarına tabi olmayacaklardır.

MADDE 23.

Yüksek Âkit Taraflar ülkelerinin limanlarında, doklarında, açıkta demirleme mahallerinde, (havre) larında gemilere yer tayin olunmasına, yükletilmesine veya boşaltılmasına müteallik hususlarda Taraflardan birinin millî gemilere bahşetmiş olduğu bütün imtiyaz veya suhuletler, son geldikleri mahal veya gidecekleri yer neresi olursa olsun, diğer Tarafın gemilerine aynı suretle bahşolunacaktır.

MADDE 24.

Hükümet, umumî hidemat ile muvazzaf memurlar, hususî şahıslar, esnaf cemiyetleri veya herhangi bir müessese namına veya menfaatına istifa olunan tonilâto, liman, kılağuzluk, fener, karantina resimleriyle—ne nam altında olursa olsun—diğer mümasil resim ve mükellefiyetlere müteallik hususlarda Yüksek Âkit Taraflardan her birinin gemileri diğerinin ülkelerinin limanlarında millî gemilere yapılan muameleye müsavî bir muameleden müstefit olacaktır.

Dues and charges levied for the use of maritime ports shall be duly published before coming into force. The same shall apply to the bye-laws and regulations of the ports. In each maritime port the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the bye-laws and regulations.

ARTICLE 25.

Notwithstanding the terms of Articles 22, 23, and 24, each of the High Contracting Parties may reserve to the national flag or to his own subjects or citizens the following services, in which respect the laws which are or may be in force in the territories of that Party shall apply:—

- (1) Coasting trade (cabotage);
- (2) Fishing in the territorial waters of the High Contracting Parties;
- (3) Maritime services at ports, roadsteads and beaches, and in particular towage and pilotage, life-saving and salvage, in so far as these operations are performed within the limits of territorial waters or in the Sea of Marmora.

The High Contracting Parties may likewise extend support, under the form of bonuses or subsidies to their national mercantile marine, as also to State-owned vessels administered either directly or by a Company in which the State is interested.

ARTICLE 26.

Any vessels of either of the High Contracting Parties which

Bahrî limanlarda istifa olunan resim ve mükellefiyetlerle limanların dahilî nizamnameleriyle sair nizamnameler meriyete girmeden evvel usulu veçhile neşir ve ilân edilecektir. Her limanda liman reisliği meri resim ve mükellefiyetleri gösteren bir cetvel ile dahilî nizamnamesinin ve sair nizamnamelerin birer suretini alâkadarların ıtlâma müheyya bulunduracaktır.

MADDE 25.

22, 23 ve 24üncü maddelerin ahkâmına rağmen, Yüksek Âkit Taraflardan her biri, kendi ülkelerinde meri veya meriyete konulacak kanunlara tâbi kalacak olan atideki hidematı millî sancağna veya kendi vatandaş veya tebaalarına hasrütahsis edebilecektir:—

- (i) Kabotaj;
- (ii) Yüksek Âkit Tarafların kara sularında sayt icrası;
- (iii) Limanlara, açıkta demirleme mahallerine ve sığ sahillere müteallik bahrî hizmetlerin hasaten cer, kılâğuzluk, bahrî muavenet ve tahlisiye hizmetlerinin ifası, bu ameliyelerin kara suları dahilinde ve Marmara denizinde icra edilmeleri takdirinde.

Yüksek Âkit Taraflar, millî ticaret gemileriyle Devlete ait olup bir Devlet idaresi veya Devletin iştirâk ettiği bir şirket marifetile işletilen gemileri prim ve sair nakdî muavenet vasıtalarıyla de tergip edebileceklerdir.

MADDE 26.

Yüksek Âkit Taraflardan her birinin gemileri havanın şiddet-

may be compelled by stress of weather, or by accident, to take shelter in a port of the territories of the other, shall be at liberty to refit therein, to procure all necessary stores and fuel and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the High Contracting Parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, &c., or to their agents when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject or citizen or company of the first High Contracting Party, be delivered to the consular officer of that Party in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the other High Contracting Party, and such consular

inden veya bir kazadan dolayı diğer Tarafın ülkelerinin bir limanına iltica etmeye mecbur olurlarsa, aynı ahvalde millî bir geminin tesviyesile mükellef olacağı resimlerden başka hiç bir resim tesviye etmeksizin, orada tamir edilmek, icap eden her nevi erzak ve mahrukatı tedarik etmek ve tekrar denize açılmak serbestisine malik olacaklardır. Bununla beraber bir ticaret gemisinin kaptanı geminin mesarifini korumak için emtiasının bir kısmını satmağa mecbur olduğu takdirde, o mahallin nizamname ve tarifelerine uymakla mükellef olacaktır.

Yüksek Âkit Taraflardan birinin bir gemisi diğeri ülkelerinin sahillerinde karaya oturacak veya kazaya uğrayacak olursa, gemi ile bütün aksamı, bütün mobilyası ve müstemilâtı,—denize atılabilmiş olanlar da dahil olmak üzere—kurtarılmış olan bütün eşya ve emtiası, veya bunların belkide satılmasından hasıl olabilmiş meblağ ile karaya oturmuş veya kazaya uğramış gemi dahilinde bulunmuş olan evrak, geminin eşya ve emtia ve sairenin sahipleri veya bunların adamları tarafından talep olduğu zaman kendilerine teslim edilecektir. Eğer ne mal sahipleri, ne adamları kaza mahallinde hazır değillerse, mevzuu-bahs gemi, eşya, emtia ve saire ilk Yüksek Âkit Tarafın vatan-
daş veya tebaa veya şirketine ait olduğu takdirde, memuriyetinin havzası kaza mahallini ihtiva eden mezkûr Taraf konsolosuna teslim edilecektir, şu şartlaki konsolos diğeri Yüksek Âkit Tarafın kanunlarında muayyen mühlet zarfında onları mutalebe etmiş olsun. Konsolos, mal sahipleri veya adamları, emvalin

officer, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The High Contracting Parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground or wrecked, the respective consular officer shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose, in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 27.

It shall be free to each of the High Contracting Parties to appoint consuls-general, consuls and vice-consuls to reside in the towns and ports of the territories of the other Party in which such representatives of any other foreign country may be admitted by the respective Governments. Such consuls-general, consuls and vice-consuls, however, shall not enter upon their functions until after they shall have obtained the approval in the usual form of the Government of the country to which they are appointed.

The consular officers of one of the High Contracting Parties shall enjoy in the territories of the other Party the same rights, privileges and exemptions, pro-

muhafazasının istilzam etmiş olduğu masraflarla karaya oturmuş veya kazaya uğramış millî bir geminin aynı ahvalde tesviyesine mecbur olacağı tahlisiye ve sair masraflardan başka hiç bir masraf tediyebileceği mükellef olmayacaktır.

Keza, Yüksek Âkit Taraflar—dahilde istihlâk için gümrükten geçirilmedikçe—kurtarılmış emtianın hiç bir gümrük resmine tabi tutulmamasını kabul etmişlerdir.

Havanın şiddetinden bir gemi ilticaya mecbur olduğu veya karaya oturduğu veya kazaya uğradığı takdirde, salâhiyettar konsolosun, eğer gemi sahibi veya kaptan veya gemi sahibinin herhangi bir adamı hazır değilse, veya hazır olupta talep ederse, vatandaşlarına yardım için tavassuta hakkı olacaktır.

MADDE 27.

Yüksek Âkit Taraflardan her biri, diğer Tarafın herhangi başka bir ecnebi memleketin mümasil mümessillerini kabul eylediği kendi ülkelerindeki şehir ve limanlarda ikamet edebilecek olan başkonsolos, konsolos ve muavin-konsoloslar tayin etmek serbestisine malik olacaktır. Maamafih, bu başkonsolos, konsolos ve muavin-konsoloslar nezdine tayin edildikleri memleket hükûmetinin müteamil usul dairesinde muvafakatını almadan vazife ifasına başlamayacaklardır.

Yüksek Âkit Taraflardan birinin konsolosları, diğer Tarafın ülkelerinde, herhangi diğer ecnebi bir memleketin mümasil konsoloslarına bahşedilmiş veya

vided reciprocity be granted, as are, or may be, accorded to similar consular officers of any other foreign country.

ARTICLE 28.

In the case of the death of a subject or citizen of one of the High Contracting Parties in the territories of the other, leaving kin but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the consular officers of any other foreign country shall be extended immediately, provided reciprocity be granted, to the consular officers of the other High Contracting Party.

ARTICLE 29.

The consular officers of one of the High Contracting Parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them

edilecek olan hak, imtiyaz ve muafiyetlerin ayınından—mütekabiliyet şartile—müstefit olacaklardır.

MADDE 28.

Yüksek Âkit Taraflardan birinin bir vatandaş veya tebaasının diğer Tarafın ülkelerinde vefatı takdirinde, akrabası olmakla beraber, vefat mahallinde, müteveffanın memleketi kanunlarının kendisine terekeyi muhafaza altına almağa ve idare etmeğe mesağ verdiği hiç bir kimse bulunmazsa, müteveffanın tebaası bulunduğu Devletin salâhiyettar konsolosu, icap eden resmî muameleri yaptıktan sonra müteveffanın mallarının bulunduğu memleket kanunlarının tayin ettiği şekil ve hudut dahilinde terekeyi muhafaza altına almağa ve idare etmeğe mezun olacaktır.

Şurası mukarrerdir ki müteveffaların terekelerinin idaresine müteallik her hususta Yüksek Âkit Taraflardan birinin herhangi diğer ecnebi bir memleketin konsoloslarına evvelce bahşetmiş olduğu veya bilâhare bahşedeceği bütün hak, imtiyaz, müsaade ve muafiyetler, mütekabiliyet şartile, derhal diğer Yüksek Âkit Tarafın konsoloslarına teşmil edilecektir.

MADDE 29.

Yüksek Âkit Taraflardan birinin diğer Tarafın ülkelerinde ikamet eden konsolosları, birinci Tarafın gemilerinden firar etmiş olan, ikinci Tarafın vatandaş veya tebaalarından gayrı, gem-

for the recovery of seamen deserters, other than subjects or citizens of the latter High Contracting Party, from the vessels of the former High Contracting Party.

ici efradı geri almak için mahallî hükûmet tarafından kanunun müsaade ettiği muavenete mazhar olacaklardır.

ARTICLE 30.

The subjects or citizens or companies of each of the High Contracting Parties shall have in the territories of the other the same rights as subjects or citizens or companies of that High Contracting Party in regard to patents for inventions, trade marks, trade names and designs, upon fulfilment of the formalities prescribed by law.

MADDE 30.

Yüksek Âkit Taraflardan her birinin vatandaşı, tebaa veya şirketleri, diğer Tarafın ülkelerinde, kanunun emrettiği resmî muameleleri ifa etmek şartıyla, ihtira beratlarına, fabrika veya ticaret markalarına ve ticarî isimlerle resimlere müteallik hususlarda bu Tarafın vatandaşı, tebaa ve şirketlerinin malik oldukları hakların aynı malik olacaklardır.

ARTICLE 31.

Each of the High Contracting Parties agrees to furnish, in pursuance of his present or future legislation, the subjects or citizens of the other with suitable civil remedies, and in cases of fraud with suitable penal remedies, in respect of the use of words, devices or descriptions or any other indications which state or manifestly suggest that the goods, in connexion with which they are used, have been produced or manufactured in the territories of the other Party, if such statement or suggestion be false. In such cases the above-mentioned remedies may be exercised by or on behalf of the persons, companies or associations aggrieved, in so far as this is permitted by the legislation of the country.

MADDE 31.

Yüksek Âkit Taraflardan her biri, şimdiki veya müstakbel kanunî mevzuatına tevfikân, ait oldukları emtianın diğer Tarafın ülkelerinde müstahsal veya mamul olduğunu ilan veya aşikâr bir surette ihtar eden kelimeler, remizler veya tarifler, veyahut diğer işaretler istimaline karşı, diğer Tarafın vatandaşı veya tebaalarına, işbu ilan veya ihtarlar sahte ise, icap eden hukuk davaları, ve, hilekârlık takdirinde, ceza davaları açmak hakkını temin etmeği taahhüt eder. Bu ahvalde, mevzuabâhs davalar, memleketin kanunî mevzuatı müsaade ettiği takdirde, menfaatları haleldar olan şahıs, şirket veya cemiyetler tarafından veya bunların namlarına olarak açılabilecektir.

Each of the High Contracting Parties undertakes to prohibit, in pursuance of his present or future legislation, the importation into, and to provide measures for the seizure on importation into, the territories of that Party of any goods bearing words, devices, descriptions or other indications which state or manifestly suggest that the goods have been produced or manufactured in the territories of the other Party, if such statement or suggestion be false.

It is understood that the provisions of this Article do not impose any obligation to seize goods in transit.

In respect of goods which are imported into, or to which a mark or description has been applied within, the territories of one of the High Contracting Parties, the competent authorities of that Party shall decide what descriptions, on account of their generic character, do not fall within the provisions of this Article.

ARTICLE 32.

Each of the High Contracting Parties may require, in order to determine the country of origin of imported goods, certificates of origin attesting that the article imported is the national produce or manufacture of the said country, or that it should be so considered having regard to the transformation which it has undergone in that country.

Certificates of origin in accordance with the form annexed to this Treaty will be issued either by the Chamber of Commerce or Industry to which the consignor

Yüksek Âkit Taraflardan her biri, diğer Tarafın ülkelerinde müstahsal veya mamul olduğunu ilan veya vazih bir surette ihtar eden kelimeler, remizler veya tarifler veyahut diğer işaretler taşıyan emtiyanın, bu ilan veya ihtar hakikata mutabık olmadığı takdirde, şimdiki veya müstakbel kanunî mevzuatına tevfikân, kendi ülkelerine ithalini menetmeği ve ithal esnasında hacrı istihdaf eden tedbirleri almağı taahhüt eder.

Şurası mukarrerdir ki bu maddenin ahkâmı transit emtiyanın hacrı için hiç bir mecburiyet tahmil etmez.

Yüksek Âkit Taraflardan birinin ülkelerine ithal edilen, veya orada üzerlerine marka veya tarifât ılsak edilmiş olan emtiaya müteallik hususlarda, ne gibi tarifâtın, cins ve nevi mübeyyin mahiyetleri dolayısıyla, bu maddenin ahkâmı dahiline giremeyeceği hakkında karar ittihazı mevzuubahs Tarafın salâhiyet-tar makamlarına ait olacaktır.

MADDE 32.

Yüksek Âkit Taraflardan her biri, ülkelerine ithal edilen maddenin menşei memleketini tayin için, bunların diğer Taraf ülkelerinin millî mahsulât veya mamulâtından olduğunu, veyahut mezkûr ülkelerde şekillerinin tebeddüle uğramış olması dolayısıyla o veçhile kabul edilmeleri icap edeceğini mübeyyin menşei şahadetnameleri talep edebilecektir.

Bu muahedenameye merbut numune mucibince tertip edilmiş menşei şahadetnameleri gerek mürsilin tâbi bulunduğu ticaret veya sanayi odası gerek ihraççı

belongs, or by the customs authorities of the exporting country, or by any authority or association which may be accepted for the purpose by the country of destination.

The Government of the country of destination may require the certificates to be legalised by their diplomatic or consular representative.

Parcel post packages will be exempt from the requirement of a certificate of origin if the country of destination recognises that no transaction of a commercial character is involved, and that the value of the package does not exceed £T. 50, for importations into Turkey, or, if the case should arise, a corresponding amount, for importations into the territories of His Britannic Majesty.

ARTICLE 33.

The subjects or citizens of either High Contracting Party visiting fairs or markets for the purposes of trade shall not be treated, in the territories of the other, less favourably than national subjects or citizens, provided they present an identity card in the form annexed to this Treaty, issued by the authorities of the country of which they are subjects or citizens.

The provisions of the preceding paragraph are not applicable to itinerant trades, pedlary, or the solicitation of orders from persons who carry on no trade or industry, in which respects the High Contracting Parties reserve full liberty of legislation.

memleketin gümrük memurini, gerek emtianın gönderildiği memleket tarafından kabul edilecek olan herhangi bir makam veya teşkilât tarafından ita olunur.

Mürselünileyh memleketin hükümeti bu şahadetnamelerin kendi Elçilik veya Konsoloslukları tarafından tasdik edilmesini talep edebilecektir.

Kolipostallar, mürselünileyh memleket irsalâtın ticarî bir mahiyeti haiz olmadığını, ve Türkiye'ye ithal takdirinde bedellerinin elli Türk lirasını, veya Haşmetli Britanya Kralı Hazretlerinin ülkelerine ithal şıkkında icabında muadil bir meblağ tecavüz etmediğini tasdik edecek olursa, menşe şahadetnamesine tabi tutulmıyacaktır.

MADDE 33.

Ticaret maksadile panayır ve pazarlara giden Yüksek Âkit Tarafdardan birinin vatandaş veya tebaaları, vatandaş veya tebaası buldukları memleketin makamâtı tarafından bu muahedenameye merbut numuneye göre verilmiş bir hüviyet varakası ibraz edebildikleri takdirde diğer Tarafın ülkelerinde mahallî vatandaş veya tebaadan daha az müsait bir tarzda muamele görmeyeceklerdir.

Birinci fıkranın ahkâmı seyyar sanayi erbabına, ayak satıcılığına, sanat veya ticaretle müştâğil olmıyan şahıslardan sipariş istemeye şamil olmadığından, Yüksek Âkit Tarafdardan her biri bu hususlarda kanunî mevzuatının tam serbestisini muhafaza eder.

ARTICLE 34.

Treatment on a footing of equality with the most favoured foreign country shall not be applicable to—

(i) Privileges which have been or may be granted by either High Contracting Party for frontier trade with limitrophe countries, within a zone extending for 15 kilometres on each side of the frontier;

(ii) Special favours arising out of a customs union;

(iii) Special advantages or favours which have been or may be instituted, in customs matters, as between Turkey and the countries detached from the Ottoman Empire under the Treaty of Lausanne of the 24th July, 1923.

ARTICLE 35.

Any disputes which may arise between the High Contracting Parties as to the interpretation of the present Treaty, and which it shall have been impossible to settle through the diplomatic channel, shall be, by mutual agreement and by means of a *compromis*, submitted to arbitration.

ARTICLE 36.

The High Contracting Parties agree that the Residence Convention signed at Lausanne on the 24th July, 1923, which is due to expire on the 6th August, 1931, shall become inoperative, in so far as concerns the territories of the High Contracting

MADDE 34.

En ziyade müsaadeye mazhar ecnebi memleket ile müsavât üzere muamele görmek esası :—

(i) Yüksek Âkit Taraflardan biri canibinden, hemhudut memleketlerle hududun iki tarafında onbeşer kilometroluk bir saha dahilinde vuku bulacak hudut ticareti hususunda bahşedilmiş veya bilâhare bahşedilebilecek olan imtiyazata;

(ii) Bir gümrük ittihadından münbais hususî müsaadata;

(iii) Gümrük tarifesi hususunda, Türkiye ile 24 Temmuz, 1923, Lozan muahedesi mucibince Osmanlı İmparatorluğundan ayrılmış olan memleketler arasında mevcut veya istikbalde ihdas edilecek olan hususî menafi ve müsaadata;

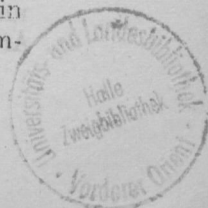
kabili tatbik olmayacaktır.

MADDE 35.

Yüksek Âkit Taraflar arasında bu muahedenamenin tefsiri sadedinde zuhur edebilecek ihtilâflar diplomasi tarikiyle halledilememiş olursa, iki Tarafın muvafakatiyle ve tahkimname tarikile hakeme havale olunacaktır.

MADDE 36.

Yüksek Âkit Taraflar, işbu muahedenamenin meriyete girdiği günden itibaren, Lozanda 24 Temmuz, 1923te, imza edilmiş olup 6 Ağustos 1931 tarihinde munkazi olacak olan i k a m e t mukavelenamesinin kendi ülkeleri hakkında hüküm-



Parties, as from the date of the entry into force of the present Treaty.

ARTICLE 37.

His Britannic Majesty may, through His Britannic Majesty's Representative in Turkey, give notice of his desire that the stipulations of the present Treaty shall apply to any British Colony or Protectorate or to any mandated territory administered by his Government in the United Kingdom of Great Britain and Northern Ireland, and from the date of the said notice the Treaty shall be in force as between Turkey and the territory specified in such notice.

As regards any such territory in respect of which the stipulations of the present Treaty shall have been made applicable under this Article, either of the High Contracting Parties shall have the right to terminate the application of the said stipulations on giving twelve months' notice to that effect.

ARTICLE 38.

His Britannic Majesty may, by a notification made by His Britannic Majesty's Representative in Turkey, accede to the present Treaty in respect of any of His Majesty's self-governing Dominions or India.

After the expiry of a period of four years from the coming into force of the present Treaty, either of the High Contracting Parties may, by giving twelve months' notice, terminate the application of the Treaty to any territory in respect of which His Majesty has notified his accession under paragraph 1 of this Article.

den sakıt olacağını kabul ve tasdik ederler.

MADDE 37.

Haşmetli Britanya Kralı Hazretleri bu Muahedename ahkâmının herhangi bir Britanya müstemlekesine veya Britanya himayesinde bir memlekete veya Büyük Britanya ve Şimalî İrlanda Müttahit Krallığındaki Hükümet tarafından manda altında idare olunan herhangi bir ülkeye tatbik olunmasına mütedair arzusunu Türkiye'deki mümessili vasıtasile işar edebilecektir. Böyle bir tebliğ tarihinden itibaren muahedename Türkiye ile mevzuabahs ülke arasında meriyete girecektir.

Bu madde mucibince muahedename ahkâmı kendisine teşmil edilebilmiş olan herhangi bir ülke hususunda, Yüksek Âkit Taraflardan her biri, bu husustaki tebliğini yaptıktan on iki ay sonra, mezkûr ahkâmın tatbikini durdurmak hakkına malik olacaktır.

MADDE 38.

Haşmetli Britanya Kralı Hazretleri, Zatı Haşmetanelerinin herhangi muhtar bir Dominyonu veya Hindistan namına bu muahedenameye iltihakını Türkiye'deki mümessili vasıtasile işar edebilecektir.

Bu muahedename meriyete girdikten itibaren dört senelik bir müddetin inkızasından sonra, Yüksek Âkit Taraflardan her biri—diğer Tarafı oniki ay evvel haberdar ederek—bu maddenin birinci fıkrası mucibince namına Kral Hazretlerinin iltihakını işar etmiş olduğu herhangi ülkeye muahedenamenin tatbikini durdurabilecektir.

Any notification made under paragraph 1 of this Article may include any dependency or mandated territory administered by the Government of the territory in respect of which His Majesty has notified his accession; and any notice of denunciation given under paragraph 2 shall be applicable to any such dependency or mandated territory which was included in such notification of accession.

Bu maddenin birinci fıkrası mucibince yapılmış olan herhangi işar, namına Kral Hazretlerinin iltihakını bildirmiş olduğu ülkenin mulhakatına veya işbu ülke hükûmeti tarafından manda altında idare olunan araziye şamil olabilecektir; ve ikinci fıkra mucibince yapılmış olan herhangi bir fesih işarı de iltihak işarında dahil bulunan herhangi mülhakat veya manda altındaki araziye kezalik kabili tatbik olacaktır.

ARTICLE 39.

The present Treaty shall be ratified and the ratifications shall be exchanged at Angora as soon as possible. It shall come into force immediately on the exchange of ratifications, and shall be binding during a period of five years from the date of its coming into force.

In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of five years of its intention to terminate the Treaty, it shall remain in force until the expiration of one year from the date of such notice.

In the absence of an express provision to that effect, such notice shall not affect the operation of the Treaty as between Turkey and any territory in respect of which notification of accession has been given under Article 38.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

MADDE 39.

Bu muahedename tasdik ve tasdiknameler mümkün olan en kısa bir müddet zarfında Ankara'da teati edilecektir. Tasdiknameler teati olunduğu gün muahedename meriyete girecek ve meriyete girdiği tarihten itibaren beş sene müddetle meriyete kalacaktır.

Mezkûr beş senelik müddetin inkızasından oniki ay evvel Yüksek Âkit Tarafdardan biri veya diğeri muahedenameye hitam vermek niyetinde olduğunu öteki Tarafa ihbar etmediği takdirde, bu husustaki bir ihbardan itibaren bir senelik bir mühletin inkızasına kadar muahedename meriyette kalacaktır.

Böyle bir ihbar ile, muahedename, Türkiye ile 38inci madde mucibince iltihakı işar edilmiş bir ülke arasında mamulünbih olmaktan sakıt olmayacaktır, meğerki işaret olunan mefsuhiyet mezkûr ihbarda sureti mahsusada tasrih edilmiş ola.

Yukardaki ahkâmı tasdik etmek üzere iki Taraf Murahhasları bu muahedenameyi imza etmişler ve mühürlemişlerdir.

Done at Angora, in English and in Turkish, both texts having equal force, the 1st day of March, 1930.

- (s) GEORGE R. CLERK.
 (s) ZEKAI.
 (s) MUSTAFA ŞEREF.
 (s) M. NUMAN.

Ankara'da 1 Mart 1930 tarihinde, her iki metin aynı derecede muteber olmak üzere, Türkçe ve İngilizce olarak tanzim edilmiştir.

- (s) GEORGE R. CLERK.
 (s) ZEKAI.
 (s) MUSTAFA ŞEREF.
 (s) M. NUMAN.

Annex to Article 32.

Form.

Certificate of Origin.

Consignor.	Consignee.
Name	Name
Address	Address
.....

Number of Packages.	How Packed.	Marks, Number.	Gross and Net Weight (in kilog).	Route by which despatched (rail, post, ship).	Contents.

Certified that the goods specified above are of _____ origin.

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(Description of competent authority and signature.)

(Seals.)



Menşe Şehadetnamesi.

Mürsil.		Mürselünileyh.			
İsmi.....		İsmi.....			
İkametgâhı		İkametgâhı			
.....				
Parça adedi.	Ambalajın tarzı ve şekli.	Marka ve numara.	Ağırlık safi ve gayri safi (kilogram olarak).	Sevk yolları (şömendöfer, posta, vapor).	Muhteviyatı.

Yukarıda zikredilen emtia menşeinin.....olduğu tasdik olunur.

.....fi193 .

(Şehadetnameyi ita eden salâhiyettar dairenin ismi ve imza.)

(Mühür.)

Annex to Article 33.

Form.

Card of Identity.

For visitors to fairs or markets.

Certified that Mr. _____, bearer of this card, who is desirous of proceeding with his goods to visit fairs and markets (for British subjects: in Turkey; for Turkish citizens: in the United Kingdom of Great Britain and Northern Ireland), is resident at _____, and that he is liable to the payment of all lawful dues and taxes to which the exercise of his trade or industry may be subject.

This certificate is valid for a period of _____ months.

(Place, date, signature, seal of the issuing authority.)



Panayır ve pazarları ziyaret edenlere mahsus hüviyet varakası.

Bu varakanın hamili olup emtiasile beraber (Türk vatandaşları için: Büyük Britanya ve Şimalî İrlanda Müttahit Krallığındaki; Britanya tebaası için: Türkiye'deki) panayır ve pazarlara gitmek isteyen Efendinin şehrinde ikâmet eylediği ve ticaret veya sanatının icrası için kanunî resim ve vergileri tesviye ile mükellef olduğu tasdik kılındı.

Bu varaka aylık bir müddet için muteberdir.

(Varakanın ita kılındığı mahal ve tarih ile ita eden makamın imza ve mühürü.)

PROTOCOL.

At the moment of signing the Treaty of Commerce and Navigation, the plenipotentiaries of the High Contracting Parties have agreed as follows :—

1. It is understood that, wherever the present Treaty stipulates national treatment, this implies the treatment of the most favoured foreign country, the intention of the High Contracting Parties clearly being that national treatment in their respective territories is at least equal or superior to the treatment of the most favoured foreign country.

2. *Articles 6 and 13.*—It is understood that the expression “property, rights and interests,” covers, *inter alia*, dwellings, warehouses, factories, shops, offices and other premises.

3. *Article 12.*—It is understood that the expression “civil requisitions” covers expropriations for reasons of public interest.

4. *Article 13.*—It is understood that foreign companies may not concentrate their principal operations, as defined in their Articles, on Turkish territory, but must apply for and obtain Turkish nationality in order to do so.

5. *Article 14.*—It is understood that, in the application of this Article, no account shall be taken of regional appellations, that is to say, that neither of the High Contracting Parties shall apply to goods produced or

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PROKOL.

Ticaret ve Seyrisefain Muahedenamesinin imzasına şuru esnasında Yüksek Âkit Tarafların Murahhasları aşağıdaki noktalar üzerinde mutabık kalmışlardır :—

1. Yüksek Âkit Tarafların fikri mütekabil ülkelerinde millî muamelenin hiç şüphesiz en ziyade müsaadeye mazhar ecnebi memleket muamelesine lâakâl müsavî veya faik bulunduğu merkezinde olduğundan bu muahedenamenin her neresinde millî muamele dercedilmişse bunda en ziyade müsaadeye mazhar ecnebi memleket muamelesinin mündemiç bulunduğu mukarrerdir.

2. *6ıncı ve 13üncü maddelere müteferriyan.*—“Mal, hak ve menfaatlar” tabirinin ezcümle ikametgâh, entrepo, fabrika, mağaza, yazıhane ve sair mahallere şamil olması mukarrerdir.

3. *12nci maddeye müteferriyan.*—“Mülkî istimvaller” tabirinin âmmenin faydası için yapılan istimlâklere de şamil bulunduğu mukarrerdir.

4. *13üncü maddeye müteferriyan.*—Şurası mukarrerdir ki ecnebi şirketler esasî nizamnamelerile muayyen başlıca muamelelerini Türkiye’de temerküz ettiremezler, temerküz ettirmek için türk tabiiyetini talep ve iktisap etmeleri lazımdır.

5. *14üncü maddeye müteferriyan.*—Şurası mukarrerdir ki bu maddenin tatbikinde mintaka tesmiyeleri nazarı dikkata alınmayacaktır; yani, Yüksek Âkit Taraflardan hiç biri diğerinin ülkelerinde müstahsal veya

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manufactured in the territories of the other, in pursuance of a customs classification based on the place of production or of manufacture, other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

6. *Article 16.*—It is understood that, notwithstanding the terms of this Article, each of the High Contracting Parties reserves the right to raise the import duties, or to apply other appropriate measures, on the importation into his territories of such produce or manufactured articles of the other as may be favoured by bonuses or subsidies, whether direct or indirect, in so far as the application of such measures may not be prohibited by the terms of an international convention to which both Parties alike have adhered.

7. *Article 20.*—It is understood that, if the Government of the Turkish Republic should promulgate legislation dealing with the subject of paragraph 1, sub-head (a), of the Convention signed on the 15th January, 1929, regarding Commercial Travellers' Samples, the provisions of this legislation shall be applied in place of the procedure laid down in the above-mentioned sub-head.

8. *Article 25.*—It is understood that British and Turkish vessels may in any case proceed from a port in the territories of one High Contracting Party to one or more ports in the territories of the same Party, for the purpose either of landing the whole or a part of their cargo or passengers brought from abroad, or of making up or completing their cargo or embarking

mamul emtiaya, istihsal veya imal mahalline müstenit bir gümrük tasnifi üzerine, herhangi diğer bir ecnebi memlekette müstahsal veya mamul mümasil emtianın tesviye ettiği resim ve mükellefiyetlerden başkalarını veya daha ağırlarını tatbik etmiyecektir.

6. *16ncı maddeye müteferriyan.*—Şurası mukarrerdir ki, bu maddenin ahkâmına rağmen, Yüksek Âkit Taraflardan her biri—iki Tarafın da iltihak etmiş olacağı beynelmîlel bir mukavelenin ahkâmı bu gibi tedbirlerin tatbikini menetmedikçe—diğer Tarafın mamûlat veya müstahsalatından olup, doğrudan doğruya veya bilvasıta, prim ve nakdî muavenetlerle terğip edilen mevaddın kendi ülkelerine ithalinde gümrük resimlerini tezyit veya sair tedabiri mahsusata tatbik etmek hakkını muhafaza eder.

7. *20nci maddeye müteferriyan.*—Şurası mukarrerdir ki Türkiye Cümhuriyeti Hükûmeti seyyar ticaret memurlarının numunelerine dair 15 Kânunusânî 1929da imzalanmış mukavelenamenin birinci bendinin (a) fıkrasındaki hususu tanzim eden kanunî mevzuat istar ettiği takdirde mezkûr fıkradaki usulun yerine işbu kanunî mevzuat tatbik edilecektir.

8. *25inci maddeye müteferriyan.*—Şurası mukarrerdir ki Türk ve Britanya gemileri Yüksek Âkit Taraflardan birinin ülkelerinin bir limanından aynı Taraf ülkelerinin bir veya müteaddit limanlarına—oralarda, gerek mevritleri ecnebi memleket olan hamule veya yolcularının mecmuunu veya bir kısmını boşaltmak veya indirmek, gerek ecnebi memlekete

passengers for a foreign destination.

9. *Articles 27 and 28.*—It is understood that neither of the High Contracting Parties may claim the benefit of the treatment of the most favoured foreign country as stipulated in these Articles in order to demand for his consular officers any rights other or wider than those granted by that Party to the consular officers of the other.

10. *Article 35.*—It is understood that, in accordance with the usage of international law, no matter which falls within the domain of sovereignty or the exclusive competence of the State can become the subject of arbitration.

The present protocol will have the same force, effect and duration as the treaty of to-day's date, of which it is to be considered as an integral part.

In witness whereof the above-named plenipotentiaries have signed the present protocol.

Done at Angora, in English and in Turkish, both texts having equal force, the first day of March, 1930.

(s) GEORGE R. CLERK.
(s) ZEKÂI.
(s) MUSTAFA ŞEREF.
(s) M. NUMAN.

götürmek için hamulelerini teşkil veya itmam veya yolcu irkâp eylemek üzere—her halde gidebileceklerdir.

9. *27nci ve 28inci maddelere müteferriyan.*—Şurası mukarrerdir ki Yüksek Âkit Taraflardan hiç biri kendi konsolosları için diğer Tarafın konsoloslarına kendisinin bahsettiği haklardan başkalarını veya daha vasilerini mutalebe etmek üzere bu maddelerde zikredilmiş olan en ziyade müsaadeye mazhar ecnebi memleket muamelesinden istifadeyi ileri süremeyecektir.

10. *35inci maddeye müteferriyan.*—Şurası mukarrerdir ki hukuku düvel teamülleri mucibince devletin hakimiyet hakkı sahasına veya münhasıran devletin salâhiyetine dahil bulunan bütün hususat hakeme tevdi edilemeyecektir.

İşbu protokol bu günkü tarihli muahedenin aynı kıymetini, aynı tesirini ve aynı müddetini haiz olacak ve mezkûr muahedenin bir cüzü mütemmimi olarak telekki edilecektir.

Yukarıdaki ahkâmı tasdik etmek üzere müşarünileyh murahhaslar işbu protokolu imzalamışlardır.

Ankara'da türkçe ve ingilizce olarak her iki metin aynı derecede muteber olmak üzere 1 Mart 1930da tanzim edilmiştir.

(s) GEORGE R. CLERK.
(s) ZEKÂI.
(s) MUSTAFA ŞEREF.
(s) M. NUMAN.

EXCHANGE OF NOTES No. 1.

Zekâi Bey to Sir G. Clerk.

Büyük Elçi Hazretleri,

Ankara, 1 Mart 1930.

BUGÜN aramızda imza edilmiş olan Ticaret ve Seyrisefain muahedenamesi' ahkâmına atfen, bunun 16 inci maddesi 3 üncü bendi 2 inci fıkrasının şumulü hakkında tenvir edilmekliğimi Zati Âlilerinden rica etmekle kesbişeref eylerim.

Haşmetli Kral Hazretlerinin Büyük Britanya ve Şimalî İrlanda Müttahit Krallığındaki Hükümetinin, bu hususta umumî mahiyette mülâhazattan mülhem olduğunu, ve silâh, mühimmat, harp alâtı ve, fevkâlade olarak, diğer bilecümle askerî levazım ihracatının muhtemel takyidatı hususunda Türkiye'ye karşı farklı bir muameleyi istihdaf etmediğini öğrenmekle bahtiyar olacağım.

Bu vesileyle, Büyük Elçi Hazretleri, ihtiramatı faikamı teyit ederim.

ZEKÂİ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to give me some explanation of the scope of sub-head 2 of the third paragraph of article 16 of the Treaty. I should be glad to learn that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are animated in this matter by general considerations, and that they do not contemplate any discrimination against Turkey as regards such restrictions as may be imposed on the export of arms, ammunition and implements of war, or, exceptionally, of any other military supplies.

I avail myself, &c.

ZEKÂİ.

*Sir G. Clerk to Zekâi Bey.**British Embassy,*

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to inform you, in reply to your Excellency's letter of to-day's date, in which you requested some explanation of the scope of sub-head 2 of the third paragraph of article 16 of the treaty, that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are animated in this matter by general considerations, and that they do not contemplate any discrimination against Turkey as regards such restrictions as may be imposed on the export of arms, ammunition and implements of war, or, exceptionally, of any other military supplies.

I avail myself, &c.

GEORGE R. CLERK.

EXCHANGE OF NOTES No. 2.

Zekâi Bey to Sir G. Clerk.

Büyük Elçi Hazretleri,

Ankara, 1 Mart 1930.

BUGÜN aramızda imza edilmiş olan Ticaret ve Seyrisefain muahedesi ahkâmına atfen, Türk limanları arasında Türk posta çantalarının nakli hizmetini muntazaman ifa eden ve millî sancak taşıyan gemilere Türkiye Cümhuriyeti Hükûmetinin fener rüsumundan tenzilât bahşeylesile muahedenamenin 24 inci maddesi ahkâmını halleldar edilmiş addedilmeyeceğini lutfen teyit etmenizi Zatı Âlilerinden rica etmekle kesbişeref eylerim.

Bu vesileyle, Büyük Elçi Hazretleri, ihtiramatı faikamı teyit ederim.

ZEKÂİ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to confirm that the terms of article 24 shall not be considered as infringed by the fact that the Government of the Turkish Republic grant a rebate on lighthouse dues to vessels which fly the national flag and maintain a regular service transporting Turkish mails between Turkish ports.

I avail myself, &c.

ZEKAI.

*Sir G. Clerk to Zekâi Bey.**British Embassy,*

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to confirm, in reply to your letter of to-day's date, that the terms of article 24 shall not be considered as infringed by the fact that the Government of the Turkish Republic grant a rebate on lighthouse dues to vessels which fly the national flag and maintain a regular service transporting Turkish mails between Turkish ports.

I avail myself, &c.

GEORGE R. CLERK.

EXCHANGE OF NOTES No. 3.

*Sir G. Clerk to Zekâi Bey.**British Embassy,*

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to inform me whether the Government of the Turkish Republic will be prepared to give favourable consideration

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to any proposal transmitted to them by me, with a view to the reciprocal extension of the treatment of the most favoured foreign country to articles produced or manufactured in any of the territories mentioned in article 37 of the treaty to which the latter may not apply.

I avail myself, &c.

GEORGE R. CLERK.

Zekâi Bey to Sir G. Clerk.

Büyük Elçi Hazretleri,

Ankara, 1 Mart 1930.

BUGÜN aramızda imza edilmiş olan Ticaret ve Seyrisefain muahedenamesi ahkâmına atfen, ve bugünkü tarihli mektubunuza cevaben, muahedenin 37nci maddesinde zikredilen ve hakkında mezkûr muahede tatbik edilmeyen herhangi bir ülkenin müstahsal veya mamul mevaddına, mütekabiliyet şartile, en ziyade müsaadeye mazhar ecnebi memleket muamelesi bahşolunmasına mütedair vesafetinizle Türkiye Cümhuriyeti Hükûmetine iblağedilecek herhangi bir teklifi Türk Hükûmetinin hüsnü telekki ile tetkik edeceğini Zatı Âlilerine bildirmekle kesbişeref eylerim.

Bu vesileyle, Büyük Elçi Hazretleri, ihtiramata faikamı teyit ederim.

ZEKÂİ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to inform you, in reply to your Excellency's letter of to-day's date, that the Government of the Turkish Republic will give favourable consideration to any proposal submitted to them by you, with a view to the reciprocal extension of the treatment of the most favoured foreign country to articles produced or manufactured in any of the territories mentioned in article 37 of the treaty to which the latter may not apply.

I avail myself, &c.

ZEKÂİ.

EXCHANGE OF NOTES No. 4.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to communicate to you the enclosed list of the British Colonies, and Protectorates,

as also of the mandated territories administered by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, which may benefit by the provisions of article 37 of the treaty. I reserve the right to notify subsequently to the Government of the Turkish Republic such modifications as may be introduced into this list.

I take advantage of this opportunity to place on record that it is understood that the expression "subjects, or citizens of the High Contracting Parties," wherever it appears in the treaty, covers subjects and citizens of the British Protectorates and mandated territories included in the list referred to above, as also the subjects of the Indian States. I hasten to confirm to your Excellency that the above principle is in conformity with that generally maintained by my Government.

I avail myself, &c.

GEORGE R. CLERK.

Annex.

Southern Rhodesia.

Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.
Ceylon.
Cyprus.
Falkland Islands and Dependencies.
Fiji.
Gambia (Colony and Protectorate).
Gibraltar.
Gold Coast—
 (a) Colony.
 (b) Ashanti.
 (c) Northern Territories.
 (d) British Togoland.
Hong Kong.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).
Kenya (Colony and Protectorate).

Leeward Islands—

Antigua.
Dominica.
Montserrat.
St. Christopher and Nevis.
Virgin Islands.

Malay States—

(a) Federated Malay States—
Negri Sembilan.
Pahang.
Perak.
Selangor.

(b) Unfederated Malay States—

Johore.
Kedah.
Kelantan.
Perlis.
Trengganu.
Brunei.

Malta.
Mauritius.

Nigeria—	Straits Settlements.
(a) Colony.	Tanganyika Territory.
(b) Protectorate.	Trinidad and Tobago.
(c) British Cameroons.	Uganda Protectorate.
	Weihaiwei.
	Western Pacific, Islands of—
North Borneo, State of.	British Solomon Islands Pro-
Northern Rhodesia.	tectorate.
Nyassaland Protectorate.	Gilbert and Ellice Islands
Protectorate of Aden.	Colony.
St. Helena and Ascension.	Tonga.
Sarawak.	
Seychelles.	
Sierra Leone (Colony and Pro-	Windward Islands—
tectorate).	
Somaliland Protectorate.	Grenada.
South African High Commission,	St. Lucia.
Territories of the—	St. Vincent.
Basutoland.	
Bechuanaland Protectorate.	Zanzibar Protectorate.
Swaziland.	

Zekâi Bey to Sir G. Clerk.

Büyük Elçi Hazretleri,

Ankara, 1 Mart 1930.

BUGÜN aramızda imza edilmiş olan Ticaret ve Seyrisefain muahedenamesinin ahkâmına atfen, bugünkü tarihli mektubunuzu ve melfufu, muahedenin 37nci maddesi ahkâmından istifade edebilecek Britanya Müstemlekelerinin, Protektoralarının ve Haşmetli Kral Hazretlerinin Büyük Britanya ile Şimali İrlanda Müttahit Krallığındaki Hükûmeti tarafından manda altında idare edilen ülkelerin cetvelini almakla kesbişeref eylediğimi Zatı Âlilerine arzeylerim. Bu cetvelde bilâhare tadilât yapılması icap ederse bu tadilâtı da Türkiye Cumhuriyeti Hükûmetine bildirmek hakkını muhafaza ettiğimize dair olan işarınızı kaydettim.

Aynı zamanda, "Yüksek Âkit Tarafların tebaa veya vatandaşları" tabiri muahedenamenin neresinde mevcut ise yukarda mevzuubahs edilen cetvelde mezkûr Britanya Protektoralari ve Britanya tarafından manda altında idare olunan ülkeler vatandaş ve tebaalarile Hindistan Devletleri tebaalarına şamil olması mukarrer bulunduğunu teyit etmeğe müsaraat eylerim. Berveçhibâlâ prensibin Hükûmetinizin umumiyetle muhafaza ettiği prensibe mutabık olduğu hakkındaki beyanatı Âlilerini senet ittihaz ederim.

Bu vesileyle, Büyük Elçi Hazretleri, ihtiramatı faikamı teyit ederim.

ZEKÂİ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to acknowledge the receipt of your letter of to-day's date, under cover of which your Excellency was good enough to transmit to me a list of the British Colonies and Protectorates, as also of the mandated territories administered by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, which may benefit by the provisions of article 37 of the treaty. I have taken due note that your Excellency reserves the right to notify subsequently to the Government of the Turkish Republic such modifications as may be introduced into this list.

I hasten at the same time to confirm that it is understood that the expression "subjects or citizens of the High Contracting Parties," wherever it appears in the treaty, covers the subjects and citizens of the British Protectorates and mandated territories included in the list referred to above, as also the subjects of the Indian States. I take note of your Excellency's declaration, that the above principle is in conformity with that generally maintained by your Government.

I avail myself, &c.

ZEKAI.

EXCHANGE OF NOTES No. 5.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Angora, March 1, 1930.

Your Excellency,

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to inform me whether the three British schools at Constantinople and the two British hospitals, one at Constantinople and one at Smyrna, may, subject to compliance with the laws, regulations and decrees of the country, continue their activity according to the terms of the letter of his Excellency Ismet Paşa annexed to the Lausanne Residence Convention of the 24th July, 1923, and whether after the 6th August, 1931, the date of the expiry of that letter, they will not be less favourably treated in any respect than similar institutions of any other country in Turkey.

I avail myself, &c.

GEORGE R. CLERK.

Zekâi Bey to Sir G. Clerk.

Büyük Elçi Hazretleri,

Ankara, 1 Mart 1930.

BUGÜN aramızda imza edilmiş olan Ticaret ve Seyrisefain muahedenamesi ahkâmına atfen, ve bugünkü tarihli mektubunuza cevaben, İstanbuldaki üç britanyalı mektebile biri İstanbul'da diğeri İzmir'de bulunan iki britanyalı Hastahanesinin memleketin kavanın, nizamât ve mukarreratına tâbi olarak, 24 Temmuz 1923 tarihli Lozan ikamet mukavelenamesine merbut İsmet Paşa Hazretlerinin mektubu ahkâmına tevfikân, faaliyetlerine devam edebileceklerini, ve mezkûr mektubun inkızası tarihi olan 6 Ağustos 1931'den sonra, diğeri bir ecebi memleketin Türkiye'deki mümasil müesseselerinden herhangi bir hususta daha az müsait bir muameleye tabi tutulmayacaklarını Zatı Âlilerine teyit etmekle kesbişeref eylerim.

Bu vesileyle, Büyük Elçi Hazretleri, ihtiramâtı faikamı teyi ederim.

ZEKÂİ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to assure you, in reply to your Excellency's letter of to-day's date, that the three British schools at Constantinople and the two British hospitals, one at Constantinople and one at Smyrna, may, subject to compliance with the laws, regulations and decrees of the country, continue their activity according to the terms of the letter of his Excellency İsmet Paşa annexed to the Lausanne Residence Convention of the 24th July, 1923, and that after the 6th August, 1931, the date of the expiry of that letter, they will not be less favourably treated in any respect than similar institutions of any other country in Turkey.

I avail myself, &c.

ZEKÂİ.

EXCHANGE OF LETTERS.

Sir G. Clerk to Dr. Tefik Rüstü Bey.

*Ambassade de Sa Majesté britannique en Turquie,
le 1^{er} mars 1930.*

M. le Ministre,

J'AI l'honneur de prier votre Excellence de vouloir bien me donner des éclaircissements quant à la situation dans les ports turcs des agents de navigation, des experts techniques des chantiers maritimes, des fournisseurs maritimes ("ship-chandlers") et du représentant du "Lloyd's Register of British and Foreign Shipping."

Je saisis, &c.

GEORGE R. CLERK.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

I HAVE the honour to request you to be good enough to give me some explanation of the position in Turkish ports of shipping agents, technical experts of marine repair-shops, ship-chandlers, and the representative of "Lloyd's Register of British and Foreign Shipping."

I have, &c.

GEORGE R. CLERK.

Dr. Tevfik Rüştü Bey to Sir G. Clerk.

Ministère des Affaires étrangères,

Angora, le 1^{er} mars 1930.

M. l'Ambassadeur,

J'AI l'honneur d'informer votre Excellence, en réponse à sa lettre d'aujourd'hui, par laquelle elle m'a demandé des éclaircissements quant à la situation dans les ports turcs des agents de navigation, des experts techniques des chantiers maritimes, des fournisseurs maritimes ("ship-chandlers"), et du représentant du "Lloyd's Register of British and Foreign Shipping," que la situation de ces personnes, découlant des lois et règlements actuellement en vigueur, est la suivante :

Agents de Navigation.

1. Aucune loi, réglementation ou disposition n'existe qui impose une condition quelconque quant à la nationalité des agents de navigation ou de leurs employés, à condition que ceux-ci n'exercent pas une activité réservée aux nationaux en vertu de la loi sur le cabotage.

2. Il est défendu aux agents de navigation et à leurs employés de monter à bord des mahones pour effectuer l'embarquement et le débarquement des marchandises, et de se charger de tous autres services de port expressément réservés aux ressortissants turcs, s'ils sont de nationalité étrangère, ou, même s'ils sont de nationalité turque, de tous services faisant l'objet d'un monopole.

3. Toutefois, aucune interdiction ne frappe les agents de navigation ou leurs employés de monter à bord de bateaux mouillant dans les ports turcs, et d'y effectuer les travaux rentrant dans le cadre du service intérieur des vaisseaux.

4. Il est entendu que, quoique les métiers de pointeur et de débardeur soient réservés aux nationaux, rien n'empêche les agents de navigation ou leurs employés de prendre note à bord des vaisseaux, sans percevoir des frais pour ce service, du chargement et du déchargement des marchandises.

5. Au cas où ces personnes sont de nationalité étrangère, elles seront tout simplement tenues, en vertu des règlements policiers, de présenter sur demande leur permis de séjour avant de monter à bord.

Autres Métiers.

Les experts techniques des chantiers maritimes, les fournisseurs maritimes ("ship-chandlers"—mais non pas les épiciers sur mer), et le représentant du "Lloyd's Register of British and Foreign Shipping" peuvent monter à bord des bateaux sous la condition spécifiée à l'alinéa 5 ci-dessus.

Veillez agréer, &c.

DR. T. RÜŞTÜ.

(Translation.)

Your Excellency,

Angora, March 1, 1930.

I HAVE the honour to inform you, in reply to your letter of to-day, in which you requested some explanation of the position in Turkish ports of shipping agents, technical experts of marine repair-shops, ship-chandlers, and the representative of "Lloyd's Register of British and Foreign Shipping," that the position of these persons, arising from the laws and regulations at present in force, is as follows:—

Shipping Agents.

1. No law, regulation or ruling exists imposing any condition as regards the nationality of shipping agents or their employees, provided that the latter do not engage in any activity reserved to nationals in pursuance of the law on coasting trade.

2. Shipping agents and their employees are prohibited from going on board lighters to effect the embarkation and disembarkation of goods, and from undertaking any other port services expressly reserved to Turkish nationals, if they are of foreign nationality, or, even if they are of Turkish nationality, any services reserved to a monopoly.

3. Nevertheless, shipping agents or their employees are in no wise prohibited from going on board vessels calling at Turkish ports, and from there performing duties pertaining to the internal services of such vessels.

4. It is understood that, although the trades of tally-clerk and stevedore are reserved to nationals, there is nothing to prevent shipping agents or their employees from taking note, on board ship, without levying any charge for this service, of the loading and unloading of goods.

5. Where these persons are of foreign nationality, they will merely be obliged, in pursuance of the police regulations, to show on demand their residence permit before going on board.

Other Professions.

Technical experts of marine repair-shops, ship-chandlers (but not bumboatmen), and the representative of "Lloyd's Register of British and Foreign Shipping" may go on board ship subject to the condition described in paragraph 5 above.

I have, &c.

DR. T. RÜŞTÜ.

*Procès-verbal de la Séance tenue le 1^{er} Mars 1930 au Siège de la
Délégation pour les Traités de Commerce à Ankara.*

Présents :

Son Excellence Sir George Clerk.	Son Excellence Zekâi Bey.
Mr. Edmonds.	Son Excellence Mustafa Şeref Bey.
Mr. Roberts.	Suphi Ziya Bey.
Colonel Woods.	

La séance a été convoquée pour la signature du Traité de Commerce et de Navigation entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la Turquie.

Au moment de procéder à la signature du traité, le Président de la Délégation britannique, son Excellence Sir George Clerk, a tenu à expliquer, en se référant à l'article 25, que dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le cabotage n'est pas réservé au pavillon national.

Le Président de la Délégation turque, son Excellence Zekâi Bey, explique de sa part qu'au contraire les services visés à l'article 25 du traité sont réservés en Turquie au pavillon national ou aux citoyens tures, et que le Gouvernement de la République turque n'a aucune intention de se départir de ce principe.

Sir George Clerk désire s'assurer que les termes de l'alinéa (iii) de l'article 34 ne pourront pas, dans la suite, se prêter à un malentendu, et il demande au Président de la Délégation turque si le Gouvernement de la République turque partage l'interprétation du Gouvernement de Sa Majesté britannique, dans le sens que l'alinéa ne s'applique pas à l'Albanie, à l'Égypte et au Chypre.

Zekâi Bey confirme que le Gouvernement de la République turque également interprète l'alinéa dans ce sens, qu'il ne s'applique pas aux pays mentionnés par *Sir George Clerk*.

Zekâi Bey fait part de l'inquiétude éprouvée par son Gouvernement du fait des dispositions restrictives dont sont frappés les citoyens tures dans certains Dominions de Sa Majesté, et il demande si *Sir George Clerk* a quelque déclaration à faire à cet égard.

Sir George Clerk répond qu'effectivement des dispositions restrictives, concernant exclusivement l'immigration et l'acquisition de la propriété immobilière, existent ou ont existé. Ces dispositions n'étaient pas intentionnellement dirigées contre la Turquie, mais elles étaient conçues de telle façon que dans le fait les citoyens turcs pouvaient assez souvent tomber sous leur coup. Dans une certaine mesure elles ont déjà été rapportées en ce qui concerne les citoyens turcs. Tout en faisant ressortir que ces matières sont de la compétence exclusive des Gouvernements de ces Dominions, et qu'elles se prêtent en conséquence à des négociations directes entre la Turquie et les Dominions en question, le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord accepte volontiers de se faire l'interprète auprès de ces Gouvernements des soucis de la Turquie à cet égard, soucis qu'il y aurait tout intérêt à tranquilliser.

Zekâi Bey exprime à *Sir George Clerk* ses remerciements de cette déclaration. Il tient, cependant, à faire ressortir qu'à l'article 5 du traité les hautes parties contractantes se sont réservé la liberté d'interdire l'immigration sur leurs territoires, et que, d'autre part, les dispositions de l'article 10 soumettent l'acquisition de la propriété immobilière aux conditions établies par les lois du pays et applicables aux sujets ou citoyens de n'importe quel pays étranger. Si malgré toute attente, ajoute-t-il, cette question ne pouvait pas se résoudre d'une façon satisfaisante, la Turquie pourrait vouloir édicter une législation stipulant la condition de la réciprocité à cet égard.

Sir George Clerk répond qu'il est autorisé à déclarer que le Gouvernement de Sa Majesté dans le Royaume-Uni n'invoquera pas le traité au cas où, dans les conditions mentionnées ci-dessus, la Turquie stipulerait la condition de la réciprocité dans sa législation générale en ce qui concerne l'acquisition de la propriété immobilière par les étrangers.

Sir George Clerk rappelle que l'article 32 du projet de Traité de Commerce et de Navigation remis par l'Ambassade de Sa Majesté au Ministère des Affaires étrangères au mois de mai dernier prévoyait la mise à exécution, dans les rapports réciproques des hautes parties contractantes, des conventions, &c., suivantes :

1. Conventions et Statuts conclus à Barcelone en 1921 relatifs à la Liberté du Transit et aux Voies d'Eau navigables d'intérêt international ;
2. Convention et Statuts conclus à Genève en 1923 relatifs aux Ports maritimes et aux Chemins de Fer ;
3. Convention conclue à Genève en 1923 relative aux formalités de Douane ;
4. Protocole sur les Clauses d'Arbitrage rédigé à Genève en 1923.

Cet article a été supprimé au courant des négociations, mais néanmoins *Sir George Clerk* serait heureux si le Président de la Délégation turque pouvait lui fournir des éclaircissements en ce qui concerne les intentions du Gouvernement de la République turque quant à ces instruments.

Zekâi Bey fait ressortir que l'adhésion de la Turquie aux conventions, &c., reprises sous le numéro 1 ci-dessus découle déjà de l'article 101 du Traité de Lausanne. En ce qui concerne la Convention et les Statuts mentionnés sous le numéro 2, qui remplacent les recommandations de la Conférence de Barcelone, auxquelles la Turquie avait adhéré en vertu des articles 103 et 104 du Traité de Lausanne, ils sont à présent à l'étude au bureau compétent du Ministère des Affaires étrangères. En ce qui concerne la Convention reprise sous le numéro 3, *Zekâi Bey* est en mesure d'informer *Sir George Clerk* que le Ministère des Affaires étrangères a référé au Conseil des Ministres dans l'intention de s'adresser au Secrétariat de la Société des Nations afin de savoir si la Turquie pourrait adhérer à la Convention en réservant la question des certificats d'origine, sur laquelle elle ne voit pas la possibilité d'accepter les dispositions de la Convention. Si la réponse était favorable, rien ne s'opposerait à ce que la Turquie adhère à la Convention. Finalement, en ce qui concerne le protocole mentionné sous le numéro 4, le Ministère des Affaires étrangères est en train de demander l'avis du Ministère de la Justice sur cette question.

Sir George Clerk remercie *Zekâi Bey* de ces précisions.

Le traité est ensuite signé.

GEORGE R. CLERK.
ZEKÂI.

(Translation.)

Minutes of the Meeting held on March 1, 1930, at the Offices of the Delegation for Commercial Treaties at Angora.

Present :

His Excellency *Sir George Clerk*.
Mr. Edmonds.
Mr. Roberts.
Colonel Woods.

His Excellency *Zekâi Bey*.
His Excellency *Mustafa Şeref Bey*.
Suphi Ziya Bey.

THE meeting was called for the signature of the Treaty of Commerce and Navigation between the United Kingdom of Great Britain and Northern Ireland and Turkey.

At the moment of proceeding to sign the treaty, the Head of the British Delegation, his Excellency *Sir George Clerk*, desired to explain, with reference to article 25, that the coasting trade in the United Kingdom of Great Britain and Northern Ireland was not reserved to the national flag.

The Head of the Turkish Delegation, his Excellency *Zekâi Bey*, explained for his part that, on the contrary, the services referred to in article 25 of the treaty were reserved in Turkey to the national flag or to Turkish citizens, and that the Government of the Turkish Republic had no intention of departing from this principle.

Sir George Clerk desired to be assured that the provisions of paragraph (iii) of article 34 would not, in future, lead to misunderstanding, and he asked the Head of the Turkish Delegation whether the Government of the Turkish Republic agreed with the view of His Britannic Majesty's Government, that the paragraph in question did not apply to Albania, Egypt or Cyprus.

Zekâi Bey said that the Government of the Turkish Republic similarly interpreted that paragraph as not applying to the countries mentioned by *Sir George Clerk*.

Zekâi Bey explained that his Government were somewhat disturbed by the restrictive regulations affecting Turkish citizens in certain of His Majesty's Dominions, and he enquired whether *Sir George Clerk* had any declaration to make on this subject.

Sir George Clerk replied that certain restrictive regulations, exclusively concerning immigration and the acquisition of real property, either did indeed exist or had existed in the past. These regulations were not intentionally directed against Turkey, but were so framed that in fact Turkish citizens sometimes came within their scope. To a certain extent they had already been withdrawn so far as concerned Turkish citizens. While emphasising that these questions were within the exclusive competence of the Governments of the Dominions concerned and that they accordingly were matters for direct negotiation between Turkey and the Dominions in question, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland willingly agreed to explain to those Governments the Turkish anxiety in this matter, which it was very desirable to remove.

Zekâi Bey expressed to *Sir George Clerk* his thanks for this declaration. He felt bound, however, to emphasise that, under article 5 of the treaty, the high contracting parties had reserved to themselves freedom to prohibit immigration into their territories and that, further, the provisions of article 10 of the treaty left the acquisition of real property subject to the conditions laid down by the laws of the country and applicable to the subjects or citizens of any other foreign country. If, despite every effort, he added, this question could not be settled in a satisfactory manner, Turkey might wish to pass legislation stipulating for reciprocity in this matter.

Sir George Clerk replied that he had been authorised to declare that His Majesty's Government in the United Kingdom would not invoke the treaty in any case where, in the circumstances above mentioned, Turkey passed general legislation requiring reciprocity with regard to the acquisition of real property by foreigners.

Sir George Clerk reminded the Turkish Delegation that article 32 of the draft Treaty of Commerce and Navigation submitted by His Majesty's Embassy to the Ministry for Foreign Affairs in May 1929 provided for the putting into force, in the

reciprocal relations of the high contracting parties, of the following conventions :—

1. The Conventions and Statutes concluded at Barcelona in 1921 respecting Freedom of Transit and Navigable Waterways of International concern ;
2. The Convention and Statutes concluded at Geneva in 1923 respecting Maritime Ports and Railways ;
3. The Convention concluded at Geneva in 1923 respecting Customs Formalities ; and
4. The Protocol on Arbitration Clauses drawn up at Geneva in 1923.

This article had been deleted in the course of the negotiations, but, nevertheless, Sir George Clerk would be happy if the Head of the Turkish Delegation could enlighten him as to the intentions of the Government of the Turkish Republic with regard to these instruments.

Zekâi Bey explained that the adhesion of Turkey to the Conventions, &c., enumerated in 1 above, was provided for in article 101 of the Treaty of Lausanne. So far as concerned the Convention and Statutes referred to in 2, which replaced the recommendations of the Conference at Barcelona, to which Turkey had adhered in virtue of articles 103 and 104 of the Treaty of Lausanne, they were at present being studied by the appropriate Department of the Ministry for Foreign Affairs. So far as concerned the Convention referred to in 3, *Zekâi Bey* was in a position to inform Sir George Clerk that the Minister for Foreign Affairs had submitted to the Council of Ministers a suggestion that an enquiry should be made of the Secretariat of the League of Nations whether Turkey could adhere to that Convention while reserving the question of certificates of origin, on which question she could not see any possibility of accepting the provisions of the Convention. If the reply from the League was favourable there would be nothing to prevent Turkey adhering to the Convention. Finally, so far as concerned the protocol mentioned in 4, the Minister for Foreign Affairs was about to ask the advice of the Minister of Justice on the matter.

Sir George Clerk thanked *Zekâi Bey* for this information. The treaty was then signed.

GEORGE R. CLERK.
ZEKÂI.

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technical relations of the high contracting parties of the following
conventions and treaties of which the present Convention is one of the
The Conventions and Treaties concluded at Geneva in 1923
1921 regarding the Freedom of Transit and Navigation
Waterways of International Concern
2. The Convention and Statute concluded at Geneva in 1923
relating to the Maritime Ports and Harbours
3. The Convention concluded at Geneva in 1923 regarding
Customs Formalities; and
4. The Protocol on Arbitration Cases drawn up at Geneva in
1923

This article had been drafted in the course of the negotiations but
nevertheless the League of Nations which would be happy if the Head of the
League of Nations could induce him as to the intentions of the
Government of the United Kingdom with regard to these
agreements.

Mr. Zerkin explained that the admission of Turkey to the
Conventions, as enumerated in I above, was provided for in
Article 101 of the Treaty of Commerce and Consular Rights between the
League of Nations and Turkey, referred to in 1923, which replaced the
arrangements of the former Treaty between Turkey and the League of
Nations. They were at present being studied by the appropriate
Department of the Ministry for Foreign Affairs. He further ex-
plained that arrangements had been made in the League of Nations
to inform the Council of Ministers of the League of Nations
had submitted to the Council of Ministers a resolution that an
enquiry should be made of the Secretary of the League of Nations
whether they could adhere to the Convention, the Secretary of the
League of Nations should be asked to report on whether the League could
passion of certificates of origin, on which question she could not
see any possibility of securing the provisions of the Convention.
If the reply from the League was favourable there would
be nothing to prevent Turkey adhering to the Convention.
Finally, as far as concerned the procedure mentioned in 4, the
Minister for Foreign Affairs was about to ask the advice of the
Minister of Justice on the matter.

Mr. George Clerk thanked Mr. Zerkin for his information. The
treaty was then signed.

GEORGE R. CLERK.

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